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June 17,1974

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DEDICATION

The idea of *The Canon Law Digest* was conceived and originally put into concrete form by the Reverend T. Lincoln Bouscaren, S.J., who put out volumes 1, 2 and 3 by himself and volumes 4, 5 and 6 with the assistance of the undersigned. Fr. Bouscaren went to his eternal reward on 10 February, 1971. The present volume is an effort to continue the work he began. *R.I.P.*

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LIST OF ABBREVIATIONS

AAS	*Acta Apostolicae Sedis*
African Eccles. Rev.	*African Ecclesiastical Review*
Amer. Eccles. Rev.	*American Ecclesiastical Review*
Ap. Const.	Apostolic Constitution
Archiv K. K.	*Arcbivfür Katboliscbes Kirchenrecht*
ASS	*Acta Sanctae Sedis*
Austral. Catb. Rec.	*Australasian Catholic Record*
Bibliog. Miss.	*Bibliographia Missionaria*
Bull. U.I.S.G.	*Bulletin of Unione Internationale delle Superiore Generali*
C.C.C.	Canadian Catholic Conference (of Bishops)
C.I.C.	*Codex luris Canonici* (Code of Canon Law)
Catb. Mind	*Catholic Mind*
Clergy Rev.	*Clergy Review*
Cod. Com.	Pontifical Commission for the Authentic Interpretation of the Canons of the Code of Canon Law (Code Commission)
Com. Cent.	Central Commission for the Coordination of Post-conciliar Work and for the Interpretation of Conciliar Decrees
Com. Com. Soc.	Pontifical Commission for Social Communication Media
Com. lust, et Pax	Commission of Scholars: Justice and Peace
Com. pro Rel.	*Commentarium pro Religiosis*
Com. Vat. II Interp.	Pontifical Commission for the Interpretation of the Decrees of the Second Vatican Council
Cone. Com. Lit.	Conciliar Commission for the Implementation of Vatican II's *Constitution on the I.iturgy*

Cone. Laic.....Council for the Laity
Const.....Constitution
Denz.-Sebon.....*Enchiridion Symbolorum* ed. by H. Denzinger and revised by A. Schonmetzer
Doc. Cath.....*La Documentation Catholique*
Ephem. I.C.....*Ephemerides luris Canonici*
Ephent. Liturg. . . . . *Ephemerides Liturgicae*
Holy Office..... Supreme Sacred Congregation of the Holy Office
Horn. & Past. Rev. . . . *Homiletic and Pastoral Review*
Instr.....Instruction
Ir. Eccl. Rec..... *Irish Ecclesiastical Record*
Ir. Theol. Qrtly.....*Irish Theological Quarterly*
Min. Past..... *Ministero Pastorale*
Monit. Eccles.....*Monitor Ecclesiasticus*
N.C.C.B.....National Conference of Catholic Bishops (U.S.A.)
Newsletter Bps. Com. Lit. . *Newsletter—Bishops' Committee on the Liturgy* (U.S.A,)
N.R.T.....*Nouvelle Revue Theologique*
0. R.....*L'Osservatore Romano* (Italian-Latin ed.)
O.R. (Eng.)..... *L'Osservatore Romano* (English ed.)
Periodica.....*Periodica de Re Morali, Canonica, Liturgica*
PG..... *Patrologia Graeca* (ed. Migne)
PL..... *Patrologia Latina* (ed. Migne)
Proceedings C.L.S.A. . . *Proceedings of the Canon Law Society of America*
*R. D*_ _ _ _ _ _ _ _ _ *Sacrae Romanae Rotae Decisiones seu Sententiae*
Rev. Espan. de Der. Can. . *Revista Espanola de Derecho Canonico*
RfR..... *Review for Religious*
Rota..... Sacred Roman Rota
S. C. Caer.....Sacred Congregation of Ceremonies
S. C. Caus. Sanct. . . . Sacred Congregation for Causes of Saints
S. C. Cler.....Sacred Congregation for the Clergy
S. C. Cone..... Sacred Congregation of the Council
S. C. Consist..... Sacred Consistorial Congregation
S. C. Cult. Div.....Sacred Congregation for Divine Worship

S. C. Doct. Fid.	Sacred Congregation for the Doctrine of the Faith
S. C. Eccl. Or.	Sacred Congregation for Oriental Churches
S. C. Episc.	Sacred Congregation for Bishops
S. C. Gent. Evang.	Sacred Congregation for the Evangelization of Nations or for the Propagation of the Faith
S. C. Inst. Cath.	Sacred Congregation for Catholic Education
S. C. Prop. Fid.	Sacred Congregation of Propaganda
S. C. Pub. Eccl. Neg-	Sacred Council for Public Affairs of the Church
S. C. Rel. et S. I.	Sacred Congregation for Religious and for Secular Institutes
S. C. Rit.	Sacred Congregation of Rites
S. C. Sacr.	Sacred Congregation (for the Discipline) of the Sacraments
S. C. Sem.	Sacred Congregation of Seminaries and Universities
S. Pacn.	Sacred Apostolic Penitentiary
Sec. Christ. Unit.	Secretariat for Christian Unity
Sec. Non-Christ.	Secretariat for Non-Christians
Sec. Non-Cred.	Secretariat for Non-Believers
Sec. St.	Secretariat of State or Papal Secretariat
Sig. Apost.	Supreme Tribunal of the Apostolic Signatura
t.p.s.	*The Pope Speaks*
U. S. Apost. Del.	United States Apostolic Delegate
Vic. Rom.	Vicariate of Rome
Vida Rel.	*Vida Religiosa*
Vita Cons.	*Vita Consecrata*

BOOK I

GENERAL NORMS

Canons 1 - 86

CANON 1

Trullo Canon 72 Versus Defect of Form: Essentials of Canonical Form Among Orientals (Rota, 17 Oct., 1968; 25 April, 1970) Private.

Case. The Metropolitan Tribunal of Chicago in December, 1965 sent the following case to the Holy Office as a Trullo case in accord with the procedure of that time.[1] The parties to the marriage were a member of the Orthodox Byzantine rite and a baptized Protestant who contracted marriage before a justice of the peace in 1941. The Holy Office remanded the case to the Rota which, in its first turnus *corani De Jorio,* declared the marriage null not on the basis of Trullan canon 72 but on that of defect of canonical form.

Law. The particular value of this decision is the detailed examination by the Rota of the history of Oriental law and, particularly, of Trullan canon 72 as well as of studies of Oriental canonists, e.g., Coussa, Petru, Pospishil, Zonara, on the issue whether Trullan canon 72 has any force in a marriage case of the type above indicated. The Rota decided that Trullan canon 72 has no bearing in that kind of situation.

It then goes on to examine the Oriental canon law on the canonical form of marriage among Byzantine dissidents. This section of the decision first points out that canon 90, §2 of *Crebrae allatae* distinguishes between persons who have lapsed into heresy or schism after having been members of the Catholic Church and those who never were Catholics but were baptized and raised in an heretical or schismatical sect. The first class is bound by the Oriental canon law of *Crebrae allatae* regarding caonical form; the second class is not but that conclusion docs not necessarily mean that they are not bound by an earlier law if such existed. The turnus cxplictly notes that this teaching is opposed to that of many prominent canonists, e.g., Cappello, Maroto. The turnus then goes on to review the law as well as the customs leading to legal force on canonical form from ack before the schism to the time of Justinian's *Novellae* (A.D. j>38) and especially to Leo Vi's novella 89 of A.D. 895. It cites the Rota decision *coram Canestri (R.D.,* vol 37, pp. 132-133) and Vatican II's *Decree on Ecumenism,* III, n. 16,[2] to show the legal

[1] Reported in *Canon Law Digest,* 6, p. 701.

[2] *Cf. Canon Law Digest,* 6, p. 5.

force of customs among Oriental dissidents and its acceptance by the Catholic Church. The study concludes that while consent of the parties is essential to the validity of their marriage, so also is the presence and blessing of the priest.

Decision. The marriage submitted is invalid not because of Trullan canon 72, which has no bearing in the case, but because of defect of form through the absence of a priest at the marriage because of legal custom among Byzantine dissidents and not because of canon 90, §2 of *Crebrae allatae* because the Byzantine dissident in the case was exempt from that canon since the party had never been a member of the Catholic Church and that canon says nothing about what form obliges dissidents. Hence, what sacred rite and by whom it is to be placed must be derived from the law or the custom obtaining in the community.

(Private); Rota, Decision, 17 Oct., 1968; reported in *Ephemerides luris Canonici,* 25 (1969), 147-162.

* * «

The above decision was appealed to a second turnus of the Rota. This hearing was *corani Lefebvre.* From the decision of this second turnus we translate the complete section (paragraphs 13-18) *In iure* which not only defends the necessity of canonical form but also spells out the essentials of this form among Orientals.

In law. 13. The sentence under appeal has learnedly and profusely answered the question: "What must be thought of the validity of marriages entered into *without any sacred rite* by Oriental dissidents of the Byzantine rite? " As a result, only some observations must be added without changing the response which requires the rite under penalty of nullity.

Canon 85 of the apostolic letter, *Crebrae allatae,* stipulates: "§ 1. Only those marriages are valid which arc contracted *in a sacred rite* before the pastor .. . and at least two witnesses, in accordance, however, with the canons which follow and without prejudice to the exceptions provided for in canons 89 and 90."

Indeed, it is immediately evident from a comparison of that canon with the parallel canon, 1094, of the Code of Canon Law, that the words, *in* a *sacred rite, were* added and show the difference between the Latin and the Oriental rites, a fact which is of greatest importance in our consideration.

Insofar as our case is concerned, canon 90, § 2 of the aforesaid document stipulates: ". . . baptized non-Catholics, if they contract

marriage between themselves or with unbaptized non-Catholics, are nowhere obliged to observe the Catholic form of marriage."

Actually, it is clear that the aforesaid regulations are not to be applied to our case since the marriage was celebrated on 16 September, 1941. Further, it must be held, as the sentence under appeal maintained, that non-Catholics are not subject to the obligations of Catholic positive law. If baptized non-Catholics are exempt from all form, it would follow that they are held to no form. But it must be noted that they are exempt from the *Catholic* form but not from other form. But if the question is raised regarding the lawfulness of that other form, that cannot be other than that which was accepted or established before the schism in 1054. Consequently, Oriental dissidents are obliged by the laws which existed prior to the separation in 1054 and which have not been abrogated and which from the nature of the matter refer to them and in which there is explicit provision for them.

These comments had to be premised, on the other hand, at least so as to point up the determination of the "sacred rite" required among the Orientals since that requirement pertains not only to the observance of the *Catholic* form but also to the form required among *Dissidents* as was determined in the sentence under appeal. In other words, even if we wish to admit that baptized non-Catholics have been exempted from the observance of the Catholic form, this exemption looks to the presence of the pastor or the local hierarch or the delegated minister and the two witnesses but not to the *blessing* by the sacred minister.

14. This is confirmed by the citations which are repeated in the decision *corani Bejan* on 17 December, 1969, which aptly cites the section of the decree of 22 February, 1967 issued by the S. C. for Oriental Churches regarding mixed marriages between Catholics of whatever rite and Oriental non-Catholics.[3] For it is expressly defined there that "whenever Catholics, either Oriental or Latin, contract marriages with faithful now-Catholic Orientals, the *canonical* form of celebration for these marriages is of obligation *only for licitness; for validity,* the *presence of a sacred minister* is sufficient; observing the other requirements of law" (ÆÆS., t. 59, p. 166, n. 2).

Wherefore, the importance of the sacred rite among Orientals is again at least indicated, without that rite being confused with the Catholic form.

3 Reported in *Canon Law Digest,* 6, pp. 605-606.

15. The sentence under appeal, relying on the principles of the sentence *corain Canestri* on 17 February, 1945 *{S.R. Rotae Sententiae,* t. 37, pp. 122 ff.), recalls that only after Novella 89 of Emperor Leo VI the Wise (circa 893) is there proof that the blessing of the priest was held necessary for valid entry into marriage.

Leo set down: "And so, just as we prescribe that the use of the sacred prayers be used to complete the adoption, *so without doubt we also command that marriages bave the confirmatory witness of sacred blessing,* so that *if any persons enter marriage without it, it is not said to be a marriage right from the start nor do we wish them to possess the rights of marriage in that manner of life* (cf. J. Zcpi - P. Zepi: *Jus Graecoromanuni,* t. 1, *Novellae et Bullae Aureae Imperatorum Post Justinianum,* Athens, 1930, p. 156).

Whatever is to be said of the lawfulness of the aforesaid law, at least it must be held that a factual custom was thereby introduced in the Oriental Church from the ninth century.

16. It must certainly be admitted that there are some problems about the alleged custom.

Without returning to the objections reported in the sentence under appeal, it must be observed that F. Galtier noted: ". . . one could even, at times, apply the argumentation against the necessity of the crowning established as such between them (sc., the qualified parties) against the necessity of the priest who acknowledges it," while he concludes·. "Need one be surprised that he ought to conelude to a doubtful impediment? " *{Le Mariage, Discipline Orientale et Discipline Occidentale,* Beyrouth, 1950, p. 232).

But the same author himself contends: "There can be no doubt that in the course of the 19th century' the general belief in the Oriental Churches was that the presence of the priest, his blessing or even the crowning were required *for the validity of marriage" {ibid.,* p. 231) He cites, among other things, the inquisition of the Tripoli archbishop of the Syrians A. Qandalaft (Beyrouth, 1896).

Indeed, J. Dauvillier - C. De Clercq spell it out: "The rite of the crowning was held in the Byzantine empire as an element essential for the validity of the first marriage" *{Le Mariage en Droit Canonique Oriental,* Paris, 1936, p. 42). Nevertheless, they note: "If marriages without a blessing were accused of nullity, the marriage privacies were always valid since sufficient for their validity was the blessing of any priest whatever" *{ibid.,* p. 43), because "the Dissident Byzantine Churches actually held as a valid marriage, marriage before any priest whatever" *(ibid.,* p. 44, at the end).

M. Jugic explicitly holds: "Thenceforward from the 19th century

among the Graeco-Russian theologians that opinion turned out to be most common according to which the ecclesiastical rite of the crowning constituted the very sacrament of matrimony or, at least, was of its essence so that 1°) without the priest's blessing a true sacrament could not be had; 2U) the real minister of this sacrament is the very priest or bishop conferring the blessing" *{Theologia Dogmatica Christianorum Orientalium Dissidentium,* t. 3, Paris, 1930, p. 422). Λ little later he says: "Most catechisms circulated among the Greeks teach that the minister of this sacrament is the priest but the sensible sign is composed of both the consent of the spouses and the prayers of the Church" *(ibid.,* p. 455 together with note 6).

C. Vogel, however, says of the reason for this exigency: "The absolute necessity of the liturgical rite springs from the sacramental doctrine existing in the Orthodox Churches: it is the worshipping act *celebrated by the priest* which effects the sacrament and not the consent of the spouses" *(La Legislation Actuelle Sur Les Fiançailles, le Mariage et le Divorce Dans le Royaume de Grece* in *Istina,* t. 8 [1961-62], p. 159).

As a result of these comments, acknowledgement of the sentence under appeal seems due: "it is incongruous to abjudge juridical force to a *custom* which introduced the necessity of a sacred element in the contracting of marriage which is a sacrament and which the Dissidents for ten centuries have followed and even today follow in conjunction with Catholics both before and after the separation, and from which the Apostolic See derived the prescription of law for the faithful of the Oriental rites which in fact and in words differs from the corresponding prescription of the Code of Canon Law" Harmonizing with this is the sentence *coram Abbo* on 4 June, 1969.

17. On the other hand, the decision *coram Bejan* on 17 December, 1969 seems, in a certain sense, to have gone too far when it says, following Prof. P. Tocanel, that there really was a canonization of the aforementioned Novella 89 of Leo VI the Wise *(De Novellae 89 Leonis Philosophi Canonizations* in *Apollinaris,* 42 [1969], 21-36). Nor does there seem any doubt in the statement on the asserted meaning of the patriarch, Stephen 1, to the said emperor to whom—and to him alone—was acknowledged the right to pass laws on questions pertaining to ecclesiastical discipline. Actually, this seems confirmed by subsequent ecclesiastical usage and custom.

18.Nonetheless, whether this regulation derives from custom rather than from law, it stands that the necessity of a sacred rite possesses the force of law in the Byzantine Church.

(Private); Rota, Decision, 25 April, 1970-, translated from copy of the decision kindly given us by the Rev. Msgr. R.A. Rosemeyer of the Chicago Archdiocesan Tribunal who also submitted, as his personal conclusions:

"For the validity of the marriage of Orthodox (at least of the Byzantine rite) cither to another Orthodox or to a baptized Protestant:

"A. Before February 22, 1967 ("Crescens Matrimonium")—

The *blessing* of a Sacred Minister was required ("Benedictio ministri sacri")

N.B. The mere *presence* of a Sacred Minister did not suffice.

N.B. "Minister" means an Orthodox priest or bishop (cf. paragraphs 15 and 16 of the [above| Rota sentence of April 25, 1970—second turnus).

"B. After February 22, 1967-

Thc *presence of a Sacred Minister is required.* (The blessing is *not* required)."

Oriental Marriage Code: Power to Dispense from Canon 88, § 3 (S. C. Eccl. Or., 13 Dec., 1968-, U.S. Apost. Del., 7 Feb., 1969) Private.

The following communication was sent to the Hierarchs in the United States by the Apostolic Delegate of that country.

You will recall the interpretation given on 18 January, 1967,[2] by the Sacred Congregation for the Doctrine of the Faith, and later approved by the Holy Father, that the Ordinaries of the Latin rite now enjoy, in virtue of the *motu proprio* "De Episcoporum Muneribus,"" the faculty to dispense from the norm of canon 1097, § 2. 2° of the Code of Canon Law and canon 88, § 3 of the *motu proprio* "Crebrae allatae." Subsequently an inquiry was sent to the Sacred Congregation for the Oriental Churches about the manner in which Ordinaries of the Oriental rites should proceed in cases of marriages involving Catholics of different rites. It was requested, for practical reasons, that the same powers of dispensation be accorded to these Ordinaries.

The question at hand concerns licitness rather than validity (dispensations from the *form* of marriage are reserved to the Supreme Pontiff in virtue of n. 12 of the *motu proprio* "Episcopalis Potestatis")[3], however, it was necessary that the general faculty to dispense from the norm of canon 88, § 3 be granted by the Holy

[1] This was date of the plenary session, date of official reply was 1 Feb., 1967; reported in *Canon Law Digest,* 6, pp. 411-412.

[2] Reported in *Canon Law Digest, 6,* pp. 394-400.

[3] Reported in *Canon Law Digest, 6,* pp. 25-29.

Father, since this involves a derogation from a law promulgated by the Supreme Legislator in the *motu proprio* "Crebrae allatae."

Therefore the Sacred Congregation, after a careful examination of the matter, submitted for the consideration of the Holy Father the question of granting to the Oriental Ordinaries the faculty to dispense from the disposition of canon 1097, § 2, 2° of the Code of Canon Law and of Canon 88, § 3 of the *motu proprio* "Crebrae allatae."

This proposal was approved by the Holy Father "prout petitur" in an audience granted on 13 December, 1968.4

(Private); S.C. Eccl. Or., 13 Dec., 1968, reported in letter from U.S. Apost. Del., Prot. N. 451/69, dated 7 Feb., 1969, a copy of which kindly sent us by the M. Rev. Emil J. Mihalik, D.D., Hierarch of the Byzantine Catholic Diocese of Parma, Ohio.

Hierarchs Outside Patriarchal Territory (S. C. Eccl. Or., 25 Mar., 1970) AAS 62-179.

The following *declaration* was issued by the S. C. for the Oriental Churches.

In its solicitude for safeguarding and promoting the growth of the Oriental Catholic Churches, the Apostolic See believes that certain norms should be established for strengthening closer relations between the patriarchs and the hierarchs of their rites who are set up outside the limits of the patriarchal territory and for promoting more effectively the welfare of the faithful of oriental rites who are living outside the patriarchate.

Wherefore the Sacred Congregation for the Oriental Churches, acceding to requests that the prescriptions of the third clause of n. 7 of the conciliar decree, *Orientalium Ecclesiarum*,1 be put into effect, by order of the Supreme Pontiff, makes the following declaration:

1. Oriental hierarchs who have been set up outside the limits of the patriarchal territory, can take part with deliberative vote in the patriarchal synods of their own rite, whether these pertain to elections or to business matters.

2. The patriarch or, if the sec is vacant or impeded, the patriarchal administrator is obliged to summon to the synods mentioned in n. 1 all and each of the hierarchs of his rite who have been set up outside the limits of the patriarchal territory.

4This date is given as 12 December, 1968 in communication from the Apostolic Delegate of Canada, reported in this volume under canon 1097.

1 Reported in *Canon Law Digest,* 6, pp. 7-19.

3. With reference to the designation of hierarchs of his own rite for the oriental faithful who are living outside the patriarchate, the patriarch in conjunction with his synod of elections can, at the proper time, propose to the Apostolic See a list of at least three fit candidates but the Roman Pontiff retains the right to appoint to offices of this kind whomever he himself prefers.

The above-established norms will obtain for the interim until the oriental canonical discipline has been reorganized in accord with the decrees and intent of the Second Vatican Ecumenical Council. In so far as necessary, the prescriptions of the current oriental canon law are abrogated but this does not mean that the jurisdiction of the patriarch is extended beyond the limits of his patriarchate. All things to be contrary notwithstanding, even those deserving special mention.

Given at Rome, 25 March, 1970.

AAS 62-179; S. C. Eccl. Or., declaration, 25 Mar., 1970. Annotations in *Periodica,* 59 (1970),344-354 (Pujol); *Revista Espan, de Derecho Canon.,* 26 (1970),397-404 (Pujol-Villegas).

Mixed Religion and Trullan Canon 72 (Rota, 21 Oct., 1970) Private.

Case. J.P.F., a man baptized in the Greek Orthodox Church, married B.K.B., a woman baptized in the Methodist Church, in a Congregationalist Church before the Congrcgationalist associate pastor on 31 January, 1958. They were divorced in 1961. J.P.F. later became the father of a child by a Catholic woman whom he now wishes to marry and he himself would like to become a Catholic. He is suing for nullity of his marriage to B.K.B. on the grounds that, in virtue of Trullan canon 72, the diriment impediment of mixed religion invalidated his marriage. The first turnus of the Rota *corain Abbo* added a second question for solution: if the marriage was not invalid in virtue of Trullan canon 72, is it invalid because of defect of form? The turnus decided: (1) it was not invalid because of Trullan canon 72; but (2) it was invalid because of defect of form. The decision was appealed to a second turnus of the Rota *corarn Canals* which proceeded as follows.

Law. The section (B) in law as far as defect of form is concerned, is a condensed presentation of the exposition given in the Chicago case[1] of 17 Oct., 1968 and 25 April, 1970, to which explicit refer-

[1] Reported above under this same canon.

ence is given by the Rota. The section (Λ) on whether mixed religion as set down in Trullan canon 72 is or was a diriment impediment in recent times is discussed *verbatim* as follows.

(A) The diriment impediment of mixed religion from canon 72 of the Synod ofTrullo

The proposed question comes down to this, namely, whether mixed religion between an Orthodox and an heretic according to canon 72 of the Trullan Synod is today a diriment impediment to matrimony.

As is known, the Trullan Synod contains one hundred and two canons. "The Byzantine Church looks upon the Trullan Synod as an Ecumenical Synod, as the continuation and complement of the previous ecumenical synods. Consequently, the Byzantine Church has accepted every one of the canons of the said synod. Not all Orientals accept this synod but only those who belong to the Byzantine rite (faithful of the Byzantine rite are the Greeks, Mclchites, Georgians, Bulgarians, Serbians, Albanians, Rumanians, Ruthenians, that is, Ukrainians, Russians") (cf. Korclevskji, in the *Codificatione Can. Orient. Fontes,* scries I, vol. 8, p. 45 ; A. Coussa: *Epitome Praelectionum de Jure Ecclesiastico Orientali,* vol. 1, Rome, 1948, p. 115).

The text of canon 72 of the Trullan Synod stipulates.· "It is not allowed that an orthodox man may be joined with an heretical woman, or that an orthodox woman may be coupled with an heretical man, but if anything of this kind appears to have been done by anyone of all these persons, the marriage is considered invalid and the nefarious union is dissolved" (cf. Mansi: *Collectio Conciliorum,* tom. XI, col. 975).

By reason of written law and of custom, the said Trullan canon 72. after the schism, has lacked diriment force for Oriental Catholics of the Byzantine rite and was made a purely impedient impediment. This has been confirmed by canon 50 of the apostolic letter. *Crebrae allatae,* (issued on the 22nd day of February, 1949, but in force from the 2nd day of May, 19492), where it is sanctioned: "The Church everywhere most severely forbids the contracting of marriage between two baptized persons of whom one is a Catholic whereas the other is a member of an heretical or schismatical sect; and if there is danger of perversion for the Catholic party or the children, the marriage is forbidden also by the divine law itself."

2 *Canon Law Digest,* 3, pp. 399-401.

On the other hand, as regards the Orthodox members of the Byzantine Church, it is disputed whether the aforesaid Trullan canon, after the schism, retains diriment force relative to the contracting of marriage. Moreover, it is still asked: even if it did retain force, did the apostolic letter, *Crebrae allatae,* in effect since the 2nd day of May, 1969, obrogate this norm as regards the impediment being diriment in the future?

With reference to these questions, neither students of law nor jurisprudence concur as the Fathers of the appellate court have profusely explained. We, however, after having weighed everything, agree with the appellate Fathers in their opinion: "We must conclude, then, that the new marriage law for Orientals, which was promulgated in the apostolic letter, *Crebrae allatae,* can hardly be applied or extended to non-Catholic Orientals. In other words, as regards marriage law, Orientals who are separated from the Apostolic See, remain in that condition in which they were prior to 2 May, 1949. As we have said, it does not escape us that certain doctors, that is, experts in canon law hardly agree with our view; indeed, they bitterly contradict it. And yet those who feel this way, since they know very well how norms arc to be applied to laws which arc affected by a doubt of law, ought to conclude at least that, in the present circumstances, the apostolic letter, *Crebrae allatae,* is not to be extended to the Orthodox faithful inasmuch as there really exists a positive doubt of law regarding extension of that kind" (cf. the appealed sentence *corani Abbo,* 4 June, 1969, pp. 10-11, n. 11).

This conclusion is further strengthened from the prescription of Vatican Council II which in its decree on ecumenism has this provision which is pertinent to our matter: "Furthermore, right from the earliest times, the Churches of the East followed their own discipline which was sanctioned by the holy Fathers as well as synods, even ecumenical synods. Since, however, a certain amount of diversity of usage and custom, as mentioned above, is in nowise an obstacle to Church unity, nay, rather it increases its beauty and helps not a little to discharging its mission, the sacred synod, in order to dispel all doubt, declares that the Eastern Churches, mindful of the necessary unity of the Church as a whole, have the right to govern themselves according to their own disciplines inasmuch as they are more consonant with the character of their faithful and more adapted to procuring the good of souls." (η. 16).3

Since, therefore, the situation is really this, the proposed twofold

3 *Canon Law Digest, 6,* p. 701.

question boils down to one, namely, whether or not the Greek-Orthodox Church still retains for its members the norm sanctioned by canon 72 of the Trullan Council.

Relative to this question, even though there is hardly a lack of certain Rotal decisions which have declared null marriages entered into by non-Catholics of the Byzantine rite with Protestants because of the impediment sanctioned in the cited canon 72 of the Trullan Synod (cf. Adelaide [Australia], 24 October, 1967, *coram Palazzini·,* Omaha, 13 January, 1968, *coram Lefebvre·,* Cleveland, 22 October, 1968, *corani Rogers·,* Omaha, 23 January, 1969, *corani Pinna),* we, on the other hand, have a better-founded opinion maintaining that the impediment sanctioned by the Trullan canon 72 in the Greek-Orthodox Church has lost its force.

Although it is controverted with regard to the time and the manner in which the aforesaid impediment lost its force because, while there are some who hold that it was abrogated by the Constantinople Synod of 1806, there are others who maintain that the impediment under consideration was abrogated by disuse, and, indeed, immemorial disuse, it is, however, certain that the argumentation, whether doctrinal (from law experts: Christofilopoulos: *Ellenikon Ekklesiastikon Dikaion,* Athens, 1952, pp. 162 ff.; Panagiotakon: *Enchiridion Impedimentorum Matrimonialium luxta Graecum lus,* Athens, 1959, Milesch: *Das Kirchenrecht der Morgenlaudischen Kirche,* Mostar, 1905, p. 644), or practical (it is not clear that the hierarchy of the Greek-Orthodox Church requires or grants a dispensation from the aforesaid impediment, but it is clear that present-day practice of the Greek-Orthodox Church as well as the present civil code hardly recognize any more the Greek impediment of mixed religion asstill obtaining; and, to the point, it should not be forgotten that in Greece the civil law on matrimony fully accords with ecclesiastical law), which has been adduced and explained in the appellate sentence, is sufficiently probative or, at least, is such that it affords foundation for a serious, positive doubt of law as to the continued existence of the diriment impediment of mixed religion in the Greek-Orthodox Church in our day. This would already be sufficient to answer the first question in a negative way since, according to canon 15, *C.I.C.,* even invalidating and incapacitating laws are not binding if a doubt of law exists.

Whether, the Fathers have expressed the opinion that, because of the reasons here adduced, the marriage of the man, F., with the woman, B., is hardly invalid on the basis of the impediment of mixed religion as sanctioned by the Trullan canon 72.

Decision. After having carefully weighed everything both in law and in fact, the undersigned Auditors of the turnus, sitting in the tribunal and having only God in view, and having invoked the name of Christ, believe that the agreed-on question must be answered and by this sentence do answer: "/» *the affirmative* to the first part; *in the negative* to the second; that is, the Rotal decision of 4 June, 1969, is to be confirmed and, consequently, there is proof of the nullity of the marriage in the instance from defect of form only.

(Private); Rota, decision *coram Canals,* 21 Oct., 1970, Prot. N. 9858, to the Diocese of St. Nicholas in Chicago for Ukrainians; copy kindly sent us by the Rev. Msgr. R. A. Rosemeycr, Officialis of the Archdiocese of Chicago.

Orthodox Orientals: Form of Marriage (Sig. Apost., 28 Nov., 1970; 20 Jan.,1971) Private.

Case. Two Orthodox Orientals contracted a civil marriage which later broke up, and then a declaration of nullity was sought on the ground of defect of form. The case reached the Apostolic Signatura which gave the following.

Decision. With Pope Paul VI happily reigning in the 8th year of his pontificate, the undersigned cardinals, members of the Supreme Tribunal of the Apostolic Signatura, legitimately assembled in its court on the 28th day of November, 1970, to decide the case of nullity of marriage between the man, N.N., and the woman, N.N., both of the Orthodox Byzantine-Rumanian rite, who contracted marriage before a civil magistrate on . . ., proposed the question: Is proof had of the nullity of the marriage because of defect of form, i.c., the sacred rite. In the instance, they decided to respond and do respond: *In the affirmative,* i.c., there is proof of the nullity of the marriage in the instance because of defect of form, i.e., of the sacred rite.

[6 signatures]

However, Pope Paul VI, in the audience granted to the undersigned on 28 December, 1970, declared that there was no obstacle to publishing the decision passed by the plenary Signatura *according to which marriages entered into between Orthodox persons without the blessing of a priest must be held as invalid.*

On the other hand, as regards the application of this decision to individual cases, the circumstances of each case must be weighed, especially: was the blessing of a priest really lacking and, in so far as

it was, must the lack of blessing by a priest be attributed to the impossibility of finding a priest.

(Private); Sig. Apost., decision, 28 Nov., 1970, Prot. N. 1252/70 V. T.; reported in *Archiv K. K.,* 139 (1970),523-524.

Your Excellency's letter of 19 May, 1970, treating of the above type of case, has arrived at this Sacred Tribunal.

In order to give a response, a decision, recently passed, had to be awaited on a case of the same kind had been committed to this Supreme Tribunal.

Appended to this letter I am sending Your Excellency a copy of this decision which your tribunal can follow in the definition of the case cited above. However, attention must be given to what His Holiness has deigned to establish in this regard in the audience granted to the undersigned on the 28th of December, 1970.

Furthermore, it should be noted that cases of this kind must be handled by the ordinary process; i.e., after the previous citation of the parties and the definition of issue, the said parties should be examined, the witnesses, if any, heard, and documents collected. In drawing up the case, inquiry should be especially made whether the marriage could have been celebrated before a priest without serious inconvenience. When the drawing up of the case has been completed, there should be a discussion between the counsels of the parties and the defender of the bond. Then the sentence should be reached. If the sentence is passed for nullity of the marriage, it should not be committed to execution until the approbation of the Apostolic Signatura has first been obtained. To this end, after passage of the sentence for nullity of the marriage, with the previous vote of the defender of the bond, an authentic copy of the acta and the sentence should be sent as quickly as possible to this Supreme Tribunal.

(Private); Sig. Apost., reply, 20 Jan., 1971, Prot. N. 667/70 V. T.; reported in *Archiv K. K.,* 139 (1970),524.

Note·. Except for the Prot. N. 27/70 VT, an identical reply on the very same date with a copy of the identical first document above was sent to the Diocese of St. Nicholas in Chicago for Ukrainians. In connection with this topic, see "Novella 89 of Leo the Philosopher-a study of the question of its canonization by the Oriental Church" in *Apollinaris,* 42 (1969),21-36 (Tocanel).

Oriental Marnage Code: Mixed Marriages (S. C. Eccl. Or., 16 Jan., 1971) Private.

The following letter was addressed to the Metropolitan-Archbishop of the Greek Ruthcnians at Munhall.[1] Pennsylvania.

In November of last year, Your Excellency, acting also in the names of their Excellencies, the Eparchs of Passaic and Parma of the said metropolitan province,[1] addressed to this Sacred Dicastery a request aimed to obtain the faculty to be able to apply the *motu proprio, Matrimonia mixta,* of 21 March, 1970,[2] to the faithful of your own rite.

After this Sacred Congregation had terminated examination of the questions, looking at them as a problem of a general principle, it maintained that it was opportune to submit the petition to the august consideration of the Holy Father.

Now, by the present letter, I have the pleasure to inform Your Excellency that His Holiness, in the audience granted to me on the 11th of the current month, has deigned to grant the requested faculty.

Nevertheless, the Supreme Pontiff strongly recommends that use of this faculty be made with definite discretion and due prudence.

I therefore beseech Your Excellency to have the courtesy to bring the present concession to the knowledge of your two suffragans.

(Private): S. C. Eccl. Or., letter 16 Jan., 1971, Prot. N. 178/70; copy kindly sent us by the Eparch of Parma.

"Pro *Populo"* Obligation for Byzantine Ruthenians (S. C. Eccl. Or., 18 Jan., 1971 ;B-R. B. C., 1 April, 1971) Private.

Background. "We [Byzantinc-Ruthenian Bishops Conference (B-R. B. C.)] requested clarification of the celebration for the "missa pro populo." At the present time, our clergy are bound to offer it on all Sundays, the five major holy days, and the bishops in the past obligated them for all the 2nd and 3rd class feasts, which number approximately 18."

S. C. Eccl. Or. With reference to the proposal of the Byzantine Rutheman Bishops' Conference of the U.S.A, regarding the suppres-

[1] See c. 1 ref in this volume under Ruthenians.
[2] Reported below under canon 1061.

sion of the "pro populo" celebration of the Divine Liturgy on those holy-days which are no longer designated as "holy-days of precept," this Sacred Congregation, on mature reflexion and after examination of the problem by the experts consulted, has the honor to submit the following:

The proposal is certainly in keeping with Canon 507 of the *Motu Proprio "Cleri Sanctitati"* which prescribes the celebration "pro populo" of the Divine Liturgy only "in dominicis aliisque festis de praecepto."[1] From this point of view, this Sacred Congregation accepts the envisaged suppression.

However, this Sacred Congregation cannot help pointing out that so radical a measure as the reduction to the number of five of the "holy-days of precept," such as has been effected in the past, risks running counter to the authentic Byzantine tradition, the upholding of which the Second Vatican Council was anxious to encourage. While, therefore, endorsing the proposals made, this Sacred Congregation urges the Byzantine Ruthenian Episcopate to do all in its power to keep alive and, where necessary, revive the spirit of liturgical piety among the faithful of the three eparchies, which are otherwise in full, and edifying, development. It is strongly felt that the twelve Great Feasts in particular should retain their pre-eminence both in public worship and witness and in private devotion, as privileged moments of grace and spiritual enlightenment. This implies preparation and an adequate, orientated catechetical program but is fully consonant with the spontaneous liturgical piety of the Ruthenian people.

One might equally refer to the inconvenience resulting from divergence of practice in the choice and number of Feasts which is to be met with among the various Catholic Byzantine-rite communities of the U. S. A., and between the Ruthenian Church and its closest neighbor, the Ukrainian Church. Doubtlessly, it was partly with a view to mitigating these differences that the Ruthenian hierarchy continued to oblige pastors and administrators to offer the Divine Liturgy "pro-populo" on those holy-days which had been somewhat down-graded and in turn divided into "solemn holy-days" and "simple holy-days."

This Sacred Congregation is happy to submit hereby its considered views on the matter brought it by the Byzantine Ruthenian Bishops' Conference and regrets the unavoidable delay in answering.

(Private): S. C. Eccl. Or., letter, 18 Jan., 1971, Prot. N. 198/65.

1.e., "on Sundays and other feasts of obligation."

Subsequent to the receipt of the above letter, the Byzantine-Ruthenian Bishops Conference of the U. S. A. issued the following letter on "the obligations of pastors and administrators on feasts of precept, solemn holy days and simple holy days."

TO THE CLERGY OF THE RUTHENIAN METROPOLITAN PROVINCE: PEACE, HEALTH, AND SALVATION, WITH OUR EPISCOPAL BLESSINGS.

On January 1, 1967, in virtue of Rescript Number 190/5 3, issued by the Sacred Congregation for the Oriental Churches, a new classification of feasts of precept was introduced for the Ruthenian rite in the United States. This rescript established as holydays of precept, besides Sundays, the following five which are so by common law, namely: the Feast of the Nativity of Our Lord, Epiphany, the Ascension of Our Lord, the Dormition of the Mother of God, and the Feast of the Blessed Apostles, SS. Peter and Paul.

With the new classification of the feasts of precept, two other classifications were also promulgated—"solemn" holydays and "simple" holydays. The obligation, however, to offer the Divine Liturgy "pro populo" continued to oblige pastors and administrators on the solemn and simple holydays.

We are now pleased to inform our clergy that the Congregation for the Oriental Churches, by means of Rescript Number 198/65, has accepted our recommendation and suppressed the obligation "pro populo" for the "solemn" and "simple" holydays. We insist, however, on the continued liturgical observance of these feasts with special emphasis upon the twelve major feasts of our rite. The Oriental Congregation concurs in this when it states·. "It is strongly felt that the twelve Great Feasts in particular should retain their preeminence both in public worship and witness and in private devotion, as privileged moments of grace and spiritual enlightenment. This implies preparation and an adequate, orientated catechetical program but is fully consonant with the spontaneous liturgical piety of the Ruthenian people."

As a result of this rescript and exhortation, we, the undersigned hierarchs, decree the following for the Metropolitan Archeparchy of Munhall and the suffragan Sees of Passaic and Parma:

(1) Pastors and administrators arc obliged to offer a Divine Liturgy "pro populo" on every Sunday and the five feasts of precept.

(2) The liturgical celebrations on all holydays, including "solemn" and "simple" remain unchanged. At least one Divine Liturgy must be celebrated on each of the "solemn" and "simple" holydays. They

are to be celebrated in accordance with the prescribed rubrics of the holyday. The faithful are exhorted to attend the Divine Liturgy on these holydays, especially on the twelve major feasts.

(3) The "pro populo" obligation ceases to exist for the "solemn" and "simple" holydays. We do, however, recommend the offering of the Divine Liturgy for the parishioners "ex caritate." The obligation to celebrate the Divine Liturgy of the holyday, at a time convenient for the faithful, remains.

(4) An intention may be taken by pastors and administrators on "solemn" and "simple" holydays. Additional stipends on these holydays are to be forwarded to the Chancery Office according to the same norms regarding bination and trination on Sundays and Feasts of precept.

(5) The decree is herewith promulgated in our Metropolitan Province and becomes effective immediately.

[The document is signed by each of the three hierarchs making up the Conference.]

(Private); B-R. B. C., letter, 1 April, 1971 ; copies of both documents as well as background summary kindly sent us by the M. Rev. Emil J. Mihalik, Eparch of Parma.

Faculties Granted to Oriental-rite Religious (S. C. Eccl. Or., 27 June, 1972) AAS 64-738.

Herewith a decree of the S. C. for the Oriental Churches granting certain faculties to religious of the Oriental rites.

The superiors general of Oriental religious, desirous of carrying out the renewal of religious life and discipline according to the intent of Vatican Council II more expeditiously and effectively, petitioned the Apostolic See that they be granted certain more ample faculties.

The Sacred Congregation in charge of the Oriental Churches, after having attended to the diversity and variety of rites of Oriental religious institutes, thought it *very'* opportune to submit the matter to the Supreme Pontiff, Pope Paul VI, who decided to entrust it for examination to the plenary session of the members.

Wherefore, the Sacred Congregation, after having listened to the superiors general and used the services of consultors, took care to prepare a list of faculties whereby it endeavored to improve upon some norms of the current canon law on religious as well as to adapt them to present-day needs so that they would become more conso-

nant with and appropriate to the life and progress of institutes of evangelical perfection. It did this by suggesting the change or the suspension of certain canons which are contained in the *motu propio, Postquam Apostolicis Litteris.*[1] This list, after having been duly emended by the plenary' session of the members, was graciously received by the Supreme Pontiff but with the condition that an appropriate clause be added relative to the confessions of religious women. 3

After these points had been exactly completed, the Supreme Pontiff ratified and approved w'hat had been done and at the same time ordered that the entire list of faculties be published, without prejudice to the rights of the patriarchs.

Consequently, this Sacred Congregation for the Oriental Churches, by command of the Supreme Pontiff, Pope Paul VI, published the following faculties which have been granted to Oriental religious.

1. It will belong to each religious institute of pontifical law to unite already existing provinces or otherwise modify' their boundaries, to establish new provinces or to suppress existing provinces, but with the continuing obligation to have recourse to the Apostolic See for the initial division into provinces or for the total suppression of provinces (cf. *m.p. Postquam Apostolicis Litteris,* can. 15, §1). The *synaxis* or general chapter should establish norms to be observed in the erection and modification of provinces and these norms must be inserted into the constitutions.

2 For religious institutes enjoying pontifical exemption, suspended is the obligation to request the approval of the Apostolic Sec to erect a religious house or to suppress it (cf. canons 8, §3; 10, §2; 19, §1, n. 2; 20, §1), with the exception, however, of monasteries and without prejudice to those matters which according to law belong to the competence of local hierarchs.

3. Without prejudice to the constitutions proper to each institute which require a maturer age and other requisites, those are not validly eligible *(inhabiles)* for the office of superior general of the religious institute who have not been professed in the said religious institute for at least ten years, computed from first profession, and have not completed their thirty-fifth year (cf. can. 31, nn. 2 and 5). For other major superiors, in addition to perpetual profession, thirty years of age suffice (cf. can. 31, n. 3). On the other hand, for the other offices the particular law can determine the requisite age in such wise, however, that for the director of novices, in addition to

[1] cf. *Canon Law Digest,* 3, pp. 131-135.

perpetual profession, the age of at least thirty years be required (cf. can. 92, §1).

4. Superiors general of lay religious institutes of pontifical law are granted the faculty to dispense, with the consent of their council, candidates for the religious life from the impediment of illegitimacy provided they be not born of a sacrilegious or adulterous union.

5. To religious institutes is left the right to determine the more suitable time and place of the prior probation or postulancy, even outside a house of novitiate, and not excluding the right to carry out the probation outside a house of the respective religious institute (cf. canons 71-73).

6. Religious, solicitous about fostering their own union with God, should strive to approach the sacrament of penance at least twice a month (cf. can. 138, §1, n. 3); in turn, superiors should endeavor to promote this degree of frequency and should make provision that their subjects be able to make a sacramental confession at least every other week and even oftener, if they so desire (cf. can. 138, §2).

7. Especially as regards confessions of religious women, it is stipulated that:

u) all religious women and novices, in order that they may enjoy due liberty in this matter, can validly and licitly make a sacramental confession to any priest who is approved for hearing confessions in that place, but this is always without prejudice to the religious discipline of the community. On the other hand, the local hierarch should be watchful lest in this matter abuses arise; and if they arise, he should eliminate them with caution and prudence while safeguarding liberty of conscience.

b) nevertheless, in order to provide better for the good of communities, let an ordinary confessor be given to monasteries devoted to the contemplative life, to houses of formation, and to larger communities; and at least in the case of the aforesaid monasteries as well as houses of formation, let an extraordinary confessor also be provided. However, there is no obligation to go to them.

c) for other communities an ordinary confessor may be named if, in the judgment of the local hierarch, special circumstances so suggest.

d) the local hierarch should carefully select confessors who have suitable maturity and other requisite qualities; he himself should decide the number of confessors, their age, and the duration of their office, as well as proceed to appoint them or confirm them for continuation of their office after having taken counsel with the community concerned.

e) rhe prescriptions of the canons which are contrary to the preceding decisions, or which cannot be reconciled with them, or which, in view of them, lack pertinence or application remain suspended.

8. The things which are prescribed in the preceding number apply also to lay communities of men insofar as they are applicable.

9. Superiors general of lay religious institutes of pontifical law have the faculty to grant that, with the consent of their council and for a just cause, the property of their religious institute may be alienated, offered as security, mortgaged, or perpetually leased,[2] and also that moral persons of their institute may contract a debt up to the amount proposed by the patriarchal synod or by the national or regional conference of bishops and approved by the Holy See.

10. Authorization by the Apostolic See is not required for the following; the superior general of the religious institute, with the consent of his council, can:

a) erect a novitiate in some house of the religious institute or even several novitiates within the same province but with observance of the prescriptions of both common and particular law (cf. can. 87, §1, n. 3).

b) transfer, perpetually or temporarily, the location of a novitiate already erected according to law to another house after having notified the local hierarchs whom it concerns, and having observed the requirements of the law.

c) permit the group of novices to live, for definite periods of time, in another house of the institute, designated by him, with a view to the training benefit to the said novices.

d) locate the novitiate in a community of the institute which is suitable for fostering the formation of such a small group of novices if the small number of novices docs not seem conducive to promoting common life.

11. With regard to the duration of the novitiate, the prescriptions of the consitutions proper to the religious institute should be observed. Nevertheless:

a) for validity it is required that the novitiate comprise twelve months, not necessarily continuous, in the house duly designated for this purpose (cf. can. 88, §1, nn. 3 and 4).

‘Translator's note: *Emphyteusi redimi,* i.e., to enter a contract of emphyteusis. This type of contract is unknown in Anglo-American law. Its closest parallel in American law is a ninety-nine year lease. The redemption of the rental is almost equivalent to the exercise by the lessee of an option of purchase which, upon payment of a lump sum, transfers to him the full legal title and relieves him of the obligation of further annual payments of rental.

b) an absence from the novitiate group and house which exceeds three months, either continuously or at intervals, renders the novitiate itself invalid (cf. can. 89, §1).

c) an absence which is less than three months is made up by an extension authorized by the major superior after he has listened to the novice director; it is, however, resolved by a very brief disposition on the part of the major superior (cf. can. 89. §2).

d) the *synaxis* or general chapter, by a two-thirds majority of votes, can decide as an experiment that, for the completion of the novitiate formation, one or several periods of time given over to formative activities in line with the character of the institute may be spent away from the novitiate house provided that they do no impede the first three months after the start of the novitiate nor one month before its end and that the novitiate does not exceed two years. These periods of formative activities are in addition to the twelve months of novitiate (cf. can. 89, §§ 3-4).

e) the major superior can, for a just reason, permit the first profession to be anticipated but not beyond fifteen days, as well as permit it to be made outside the novitiate house (cf. can. 110, §1).

12. It belongs to the *synaxis* or general chapter to determine the duration of the probation before the making of profession of perpetual vows but this time should not be shorter than three years nor longer than nine years (cf. can. 110, §§1-2).

13. If a member legitimately leaves his religious institute either after his temporary vows have expired or after he has been dispensed from them, the superior general of the religious institute, with the consent of his council, can readmit him even without the obligation of him again going through the novitiate but with the imposition of a certain period of probation (cf. can. 74, §1, n. 6 and can. 191, §2)·

14. It is left to the particular ordinances of each institute to determine the duration of spiritual recollection before candidates begin the novitiate or the novices pronounce temporary vows as provided for in canons 73 and 105, §3 but care must be taken that a minimum of five days be set.

15. The obligation of the examination of disposition mentioned in can. 84 is suspended.

16. The obligation to draw up a will, which is presently set down in can. 103, §3, may be transferred to the time which immediately precedes perpetual vows.

17. The *synaxes* or general chapters of clerical religious institutes can:

o) grant non-clcrical members, who are pertually professed, active and passive voice for *synaxes* on any level, whether, of election or of business matters, in accordance with the conditions to be established by the general *synaxis.*

b) stipulate that perpetually professed non-clcrical members may be admitted to the exercise of purely administrative functions which have no direct connection with the priestly ministry in its proper sense.

c) stipulate further, in accord with the conditions they themselves have determined, that perpetually professed non-clcrical members may discharge the function of councillor on any level but not the function of superior or vicar on any level.

18. Superiors general of lay religious institutes of pontifical law have the faculty to grant, with the consent of their council, to their subjects who arc bound by minor perpetual profession and who so request, permission to cede their patrimonial property for a just reason and with observance of the norms of prudence.

19. The superiors general of orders of men, with the exception of monks, can modify their own enclosure according to the norm of canon 150.

20. The prohibition that religious women not go out of the house singly is suspended but the responsibility to take care that troubles do not arise therefrom remains (cf. can. 153).

21. Superiors general of lay religious institutes of men and of women of pontifical law have the faculty of restore, with the consent of their council, members professed of temporary vows who so request, to the status of seculars. In this case the temporary vows will automatically cease.

22. Λ religious who has resigned the cardinalatc, the patriarchate, or the episcopate and returned to a religious house can enjoy active voice (cf. can. 178, §2).

23. Religious priests who have obtained from the major superior of an exempt, clerical, religious institute the faculty to hear confessions, may use it for religious and for novices in all houses of the religious institute and also outside those houses.

Given at Rome, from the offices of the Sacred Congregation for the Oriental Churches, the 27th day of the month of June in the year 1972.

AAS 64-738; S. C. Eccl. Or., decree, 27 June, 1972.

Mixed Marnage: Orienta! Catholics as well as Catholics of any rite marrying non-Catholic Oriental Christians are not obliged by norms established by Paul VI in *motu proprio, Matrimonia mixta. See* c. 1061; AAS 62-257, near end of introduction.

Nonconsummation of Marriage: Procedure for case of, in the Oriental rite. *See* c. 1963; S. C. Eccl. Or., 13 July, 1953.

Novella 89 of Leo the Philosopher: question of its canonization by the Oriental Church: *see* study in *Apollinaris,* 42 (1969),21-36 (Tocanel).

Oriental Canon Law Society: Historical sketch and statutes of, 28 Sept., 1969; reported (in English) in *Jurist,* 30 (1970),216-222 (Zuzek).

Pontifical Oriental Institute: Faculty of Oriental canon law erected in, S. C. Inst. Cath., decree, 7 July, 1971 (AAS 63-791).

Rite: Transfer from Oriental to Latin. *See* c. 542; S. C. Eccl. Or., 15 Oct., 1970.

Ruthcnians: Munhall: See Pittsburgh below.

Parma (Ohio): new eparchy constituted by separation of some territory from the Pittsburgh eparchy. New eparchy comprises most of State of Ohio and all of the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin and Wyoming. Pau) VI, Ap. const., 21 Feb., 1969 (AAS 61-607).

Pittsburgh: Part of this eparchy cut off to form eparchy of Parma (Ohio). Eparchy of Pittsburgh itself is raised to status of metropolitan see but also has its name changed to Archeparchy of Munhall (Pennsylvania) with the eparchies of Parma (Ohio) and Passaic (New Jersey) as suffragans. Paul VI, Ap. const., 21 Feb., 1969 (AAS 61-606).

Syrian Orthodox Church: *See* c. 1258, ref.

Trullo: Canon 72 on mixed religion; study of, in *The Jurist,* 29 (1969) 383-415 (Bassett).

Ukrainians: New exarchate in Argentina. Paul VI, ap. const., 9 Feb., 1968 (AAS 60-547).

CANON 2

Second Instruction of S. C. Rit.: No. 19 Interpreted (S. C. Rit., 22 Sept., 1967) Private.

The Reverend Procurator General of the Order of Preachers reverently proposed the following question to the Sacred Congregation of Rites for solution: "Can no. 19 of the second instruction of the S. Congregation of Rites of 4 May, 1967, *Tres abhinc annos,*[1] relative to one nocturne of three psalms and three lessons on days of class I or II be applied also to contemplative nuns?

The Sacred Congregation of Rites, after attentive consideration of everything, replies that the aforesaid provision of no. 19 of the second instruction of 4 May of this year. *Tres abhinc annos,* cannot be applied to contemplative nuns.

[1] Reported in *Canon* Law *Digest,* 6, p. 131.

It is thus replied and declared, 22 September, 1967.

(Private); S. C. Rit., 22 Sept., 1967, Prot. N. 0. 83-967; reported with annotations (Gutierrez) in *Commentarium pro Religiosis,* 49 (1968), 79 from *Analecta S.O.F.P.,* 38 (1967), 304.

Formula of General Absolution (S. C. Rit., 9 April, 1968) Private.

Petition. Since a plenary indulgence can no longer be gained on the days on which general absolution was formerly imparted to religious, the Rev. Anicetus Fernandez, Master General of the Order of Preachers, earnestly beseeches Your Holiness that the "Formula of General Absolution for Religious Orders" as given in the accompanying copy, may be hereafter used throughout the Order of Preachers.

Reply. The Sacred Congregation of Rites, in virtue of faculties granted to it by the Supreme Pontiff, Pope Paul VI, after having attended to the recitals, graciously grants the favor as requested, with observance of the other requirements.

All things to the contrary notwithstanding.

The 9th day of April, 1968.

Formula. *Ant.* Do not keep in mind, O Lord, our offenses or those of our parents, nor take vengeance on our sins.

Lord, have mercy. Christ, have mercy. Lord, have mercy.

Our Father..... And lead us **not**.....

V. Lord, show us your mercy.
R. And grant us your salvation.
V. Lord, hear my prayer.
R. And let my cry come to you.
V. The Lord be with you.
R. And also with you.

Let us pray. God, w'ho are offended by sin but appeased by penance, may it please you to hear the entreaties of your people and to turn away the scourge of your anger which we deserve for our sins. This we ask through Christ, our Lord. *R.* Amen.

I **confess**..... May almighty **God**..... May the almighty and merciful **Lord**..... (these may be omitted if they were said in an immediately preceding liturgical action.)

May our Lord Jesus Christ, through the merits of His most sacred passion, absolve you from every bond of sin and shower His grace upon you. And I, by His authority, and that of the blessed Apos-

ties, Peter and Paul, and that granted to our Order and to you and committed to me in this instance by the Supreme Pontiffs, absolve you from the transgressions of rule, constitutions, ordinances and admonitions of our major superiors and from all penances which have been forgotten or even neglected.

In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

(Private); S. C. Rit., Formula, 9 April, 1968, Prot. N. 025/968; reported in *Commentarium pro Religiosis,* 51 (1970), 82-83.

New Eucharistic Prayers and Prefaces (S. C. Rit., 23 May, 1968) Private.

Following is the decree promulgating the new Eucharistic prayers and prefaces.

In the Eucharistic prayer in the celebration of Mass, the Church, in obedience to our Lord's command in which He Himself said: "Do this in remembrance of me," (*1 Cor.* 11: 24), has been accustomed to repeat what Christ did at the Last Supper and to render thanks to the all-merciful Father for the wonders He has worked in the economy of salvation in Christ. To accomplish this end in a richer and more varied manner, a number of bishops, members of the faithful, and promoters of liturgical matters have, in more recent times, requested that the Latin Church, just as has been done in other Churches, also introduce other Eucharistic prayers in addition to the traditional, venerable Roman Canon which, of course, continues in use.

As a result, the Commission deputed for the implementation of the constitution on the sacred liturgy has, at the command of the Supreme Pontiff, prepared three new Eucharistic prayers and also added to them a more ample selection of prefaces which, since they arc part of the Eucharistic prayer itself, will more clearly unfold and proclaim the mystery of salvation through the year's cycle.

These texts, then, which were prepared by the said Commission, this Sacred Congregation of Rites reviewed and the Supreme Pontiff, Paul VI, approved and ordered to be published so that they can be used in all churches of the Latin rite as of the 15th of August, the feast of the Assumption of the Blessed Virgin Mary.

On the other hand, translations of the said texts for the people are to be approved by episcopal conferences in accord with the conciliar constitution, *Sacrosanctum Concilium,*1 (art. 36, § § 3 and 4) as well as with the instruction, *Inter Oecumenici,*2 (nn. 29 and 30). The acts of the conference together with the said translations are to be sent, as usual, to the said Commission for approval, that is, confirmation by the Apostolic See.

All things to the contrary notwithstanding.

From Rome, the 23rd day of May, 1968, the feast of the Lord's Ascension.

(Private); S. C. Rit., Decree, 23 May, 1968, Prot. N. R. 26/967 ; reported in *Notitiae,* 4 (1968), 156.

Note·. Norms for the use of these Eucharistic prayers and prefaces are given in *Notitiae,* 4 (1968), 157-179. An English version of the norms for use of the Eucharistic prayers is published by the U.S. Bishops Committee on the Liturgy in its brochure containing the new prayers and prefaces. Moreover, a set of ‘‘Guidelines for the Episcopal Conferences for a Catechesis of the Faithful Concerning the Anaphora of the Mass" was sent out on 2 June, 1968, by the President of the Cone. Com. Lit. to the presidents of episcopal conferences throughout the world; French text reported in *Notitiae,* 4 (1968), 148-155; English version in *Amer. Eccles. Review,* 159 (1968), 358-367).

Annotations in *Austral. Cath. Record,* 46 (1969), 70-76 (Murphy); *Clergy Monthly,* 33 (1969), 490-495 (Dupuis); *Clergy Review,* 53 (1968), 714-721 (Ncwns), 839-860 (Ashworth); *Ephcm. Liturg.,* 98 (1969), 278-285 (Brando-Uni); *Hom. & Past. Rev.,* 70 (1969-70), 171-179 (Costelloe); *Ir. Eccles. Record,* 110 (1968), 121-136, 300-304, 395-400 (McGoldrick); *Worship,* 42 (1968), 578-586 (Manders), 514-531, 587-608 (Avery).

Minor Basilica: Conditions, Obligations, Concessions for Grant of Title (S. C. Rit., 6 June, 1968) AAS 60-536.

Following is the decree of the S. C. of Rites, *Domus Dei,* on the title: Minor Basilica.

Holy Mother Church has constantly striven to promote the glory and beauty of the house of God. As a result, she has never desisted from using appropriate norms whereby, in accord with the circumstances of times, places and peoples, the dignity of sacred edifices may be duly preserved and increased. Moreover, the faith and devotion of Christians contributes very much to churches which have been erected through the course of centuries, becoming more

l Reported in *Canon Law Digest,* 6 pp. 32-67
-Reported in *Canon Law Digest,* 6, pp. 7 3-99.

beautiful and more dignified. In addition, the Supreme Pontiffs have bestowed special gifts upon those churches which excel others. For over a century, one of those gifts is conferral of the title, Minor Basilica. This title, of course, is naturally and clearly related to the title, Major Basilica, which has been given to patriarchal basilicas only since the eighteenth century.

As is known by all, the patriarchal basilicas, however, are considered to be and arc, as it were, parts of the Lateran Patriarchate: the archbasilica of St. John Lateran, "the head, mother and directress of all churches,"[1] is the cathedral church of the Supreme Pontiff while the basilicas of St. Peter, St. Paul, St. Lawrencc-outside-the-walls, and St. Mary Major are churches which are considered as pertaining to the Supreme Pontiff in a special way.

However, since all ecclesiastical institutions must, in accord with the mind of the Second Vatican Council, be accommodated to the conditions and needs of our times, the Sacred Congregation of Rites, after collecting the votes and opinions of experts, believes that, after attentive and mature consideration of all aspects, the title. Minor Basilica, should certainly be retained but should be enriched with a new meaning whereby such churches will be linked even more closely with the Chair of Peter and become centers of special liturgical and pastoral endeavor.

To attain this purpose, the Sacred Congregation of Rites has carefully reviewed and made timely changes in the conditions and obligations of churches which will be endowed with the title, Minor Basilica, as well as of the concessions attached to that title. They are:

I. CONDITIONS

1.The church should stand out both in appropriate size and in artistic decor, and its structure must accurately meet the specifications of liturgical law.

2. It should be consecrated.

3.It should enjoy a certain preeminence in the whole diocese, e.g., because the body or other notable relic of some canonized saint is preserved in it; or a well-known image is therein honored with

[1] *Descriptio Lateranensis Ecclesiae,* 2: cd. R. Valentini-G. Zucchctti, *Codice Topografico della Città di Roma,* 111, Roma, 1946, p. 335; cf. St. Peter Damian: *Epistularum,* lib. 11, 1: *Pl.* 144, coll. 255-256.

special veneration·, or the church itself is related to some outstanding event in the religious history of the diocese.

4. It should be a radiant center of religious and pastoral life; hence

a) the celebration of the sacred liturgy and especially of the Eucharist should be carried out with the utmost dignity so that it is an example to others because of the observance of liturgical law or because of the active participation of the people;

b) a choir *(schola cantoruni)* should be had there and, moreover, should be able to lead and sustain the participation of the faithful.2

c) a sufficient number of priests should be assigned to the church as well as of confessors who should be available at specified hours for the needs of penitents;

d) there should be frequent preaching of the word of God which is not to be reduced to feast-day homilies only.

II. OBLIGATIONS

5. Within the confines of the basilica, religious education of the faithful should be promoted by means of special instruction courses, conference series and other like undertakings.

6. Among the works and undertakings of the basilica, special attention should be given to the study and divulgation of documents which manifest the mind and teaching authority of the Supreme Pontiff.

7. The following should be celebrated with particular solemnity in the basilica itself:

a) the feast of the Chair of St. Peter (Feb. 22);

b) the feast of the apostles Peter and Paul (June 29);

c) the anniversary of the elevation of the Supreme Pontiff.

8. In every basilica, as opportunity provides, but especially on feast days, one or two Masses, whether sung or low, should be celebrated in Latin.3 In sung Masses of this kind, Gregorian melodies or sacred polyphony should be performed with particular care and devotion.

2Cf. instruction, *Musteam sacram,* nn 19-22-, reported in *Canon Law Digest,* 6. pp. 741-742.

3Cf Const. *Sacrosanctum Concilium,* n. 54; instr *Inter Oecumentci,* n. 59; instr. *Musicam Sacram,* n. 48. all reported in *Canon Law Digest,* 6, pp. 48, 89 and 748 respectively.

CANON 2

9. At the front of the basilica should be displayed the insignia of the Supreme Pontiff or of the Apostolic Sec.

III. CONCESSIONS

10.Members of the faithful who visit the basilica on the days listed below, can gain a plenary indulgence under the usual conditions:

a) the feast of the apostles Peter and Paul (June 29);
b) the feast of the titular of the basilica;
c) the dedication of St. Mary of Portiuncula (Aug. 2);
d) one day chosen at will during the year.

11.In Masses in which some pilgrimage or large concourse of people participate, the *Creed* may be said.

12.The papal standard, i.e., crossed keys, can be used on banners, furnishings and the basilica seal.

13. Over his rochet the rector of the basilica may wear a mozzetta of black silk with piping, buttonholes and buttons of red.

14. Churches which have already obtained the title, basilica, should, as far as they can, accommodate themselves to the conditions and obligations mentioned above in nn. 1-9.

15.Petitions to obtain the title, minor basilica, for any church, even an exempt one, must be presented by the local Ordinary who will submit a testimonial that the requisite conditions are verified. In the petition the Ordinary himself will indicate how many and which basilicas are already found in the diocese. Finally, to be annexed to the petition arc booklets, photographic pictures which will adequately manifest the form, structure and condition of the church.

In the audience granted to the undersigned secretary of the S. Congregation of Rites on the sixth day of June of the current year, His Holiness, Pope Paul VI, approved the present decree and confirmed it by Ilis authority and stipulated that churches which will hereafter obtain the title, minor basilica, are to meet the above-mentioned conditions and should be able to fulfill the consequent obligations.

All things to the contrary notwithstanding.

From the offices of the Sacred Congregation of Rites, 6 June, 1968.

AAS 60-536; S. C. Rit., Decree, 6 June, 1968.

Celebrations in Honor of Persons Recently Canonized or Beatified (S C. Rit., 12 Sept., 1968) AAS 60-602.

Following is the "Instruction regarding celebrations which are customarily performed within a year from the canonization or beatification of some Saint or Blessed."

1. For solemnities which are customarily celebrated in honor of a Saint or Blessed *within a year* from the canonization or beatification and carried out through a three-day period, a special induit from the Sacred Congregation of Rites is required *{Codex Rubricarum,* nn. 338, a; 339).'

2.On each day of these solemnities votive Masses of the new Saint or Blessed are permitted on all liturgical days with the exception of those only which are listed in the table of precedence under numbers 1-10 *{Codex Rubricarum,* n. 91); excepted also arc the ferial days of Lent and the ferial days of Advent from the 17th to the 23rd of December.

These Masses are said with a *Gloria* but without a *Creed* unless the day be a Sunday or a holy day of obligation or unless a great concourse of people is had.

3. Daily during the time of these solemnities, vespers of the new Saint or Blessed can be celebrated without commemorations. These vespers satisfy the vespers of the Divine Office inasfar as vespers of that day are concerned.

Nevertheless, these vespers are prohibited on the days listed under nn. 1-10 of the table of precedence *{Codex Rubricarum,* n. 91) and also on the ferial days of Lent and the ferial days of Advent from the 17th to the 23rd of December.

4. On the last day of these celebrations, the solemnities are laudably concluded with the hymn *Te Deum* and with benediction of the Blessed Sacrament.

5 In order to foster veneration and devotion to the new Saints and Blessed more urgently, the Sacred Apostolic Penitentiary has graciously granted a *plenary indulgence,* gainablc only once, to those members of the faithful who go to confession, receive Holy Communion, recite an *Our Father* and *Hail Mary* or any other prayer according to the intention of the Supreme Pontiff, devoutly visit the churches or public oratories in which the solemnities were carried out in their honor and there recite an *Our Father* and *Creed.* For those, on the other hand, who have at least a contrite heart and,

' The *Code of Rubrics* is reported in *Canon Law Digest,* 5, pp. 27-120.

during the same space of time, devoutly make the aforementioned visit, a *partial indulgence* is granted.

The 12th day of September, 1968.

AAS 60-602; S. C. Rit., Instruction, 12 Sept., 1968.

Alterations in New Eucharistic Prayers (Cone. Com. Lit., 6 Nov., 1968) Private.

In drawing up translations of the new Eucharistic prayers for the people, these rules should be observed:

1.The Supreme Pontiff has stipulated that the desire expressed by many should be acceded to, namely, that in the formulae of consecration the words of our Lord should be written in a uniform way in all the prayers so that their recitation by priests, especially in concélébration, may be easier.

Wherefore, the words of our Lord in the new Eucharistic prayers should be written thus:

At the consecration of the bread:

Accipite et manducate ex hoc omnes:
Hoc est enim Corpus meum,
Quod pro vobis tradetur.

At the consecration of the wine:

Accipite et bibite ex eo omnes:
Hic est enim calix Sanguinis mei.
novi et aeterni testamenti,
qui pro vobis et pro multis effundetur
in remissionem peccatorum.
Hoc facite in meam commemorationem.

These said words—all of them—should be set in clearer type in the overall text in accord with what is stipulated in n. 21, *b)* of the instruction, *Euebaristicuni mysterium,*[1] of the S. C. of Rites.

2. In the said new Eucharistic prayers, at least in editions for the use of bishops, after the words, "N., our bishop," which occur in the intercessory prayers, should be placed words which correspond to "and me your unworthy servant" in the same way as used in the Roman Canon when Mass is celebrated by a bishop.

From Vatican City, the 6th day of November, 1968.

(Private); Cone. Com. Lit., Declaration, 6 Nov., 1968; reported in *Notitiae,* 4 (1968) *356, Ephem. Liturg.,* 98 (1969), 132.

[1] Reported in *Canon Law Digest,* 6, pp. 518-549.

Apostles' Creed at Mass; Women as Lectors (Cone. Com. Lit., 4 dec., 1968) Private.

At the instance of His Excellency, John I. McEleney, Archbishop of Kingston, as president of the Episcopal Conference of the Antilles, in his letter of 7 November, 1968, by virtue of faculties granted to this Commission by the Supreme Pontiff, Pope Paul VI, we very gladly approve, that is, confirm the following:

1. In place of the Nicene Creed, the Apostles' Creed may be used.

2. Where, in the judgment of the bishops, real need requires it, women who are well known and are of mature age and morals, and especially religious women, may read the lessons and the epistle at Mass as well as direct the singing but from a position outside the sanctuary.

Everything to the contrary notwithstanding.

From Vatican City, 4 December, 1968.

(Private); Cone. Com. Lit., 4 Dec., 1968, Prot. N.A 428-68; copy of the original kindly sent us by the Rev. M. B. Walsh, S.J., Chancellor of the Kingston Archdiocese. The same reply was given to the N.C.C.B. of the United States by Cone. Com. Lit., 9 Dec., 1968, Prot. N. 2709/69 – reported in *The Jurist,* 29 (1969), 205, n. 5. Like replies were given for the dioceses of Italy by Cone. Com. Lit., 6 May, 1968, Prot. N. 747/68 – reported in *Perfice Munus,* 43 (1968), 555; of Spain by Cone. Com. Lit., 20 June, 1968, Prot. N. A 188/78 – reported in *Vida Religiosa,* 25 (1968), 493.

Translations of Liturgical Texts; Clarification (Cone. Com. Lit., 1969) Private.

The Conciliar Commission for the Implementation of the Constitution on the Liturgy, issued the following "Declaration regarding translations of liturgical texts which have been prepared on an interim basis."

With regard to the instruction on the preparation of liturgical vernacular translation which was made part of public law in the preceding issue of *Notitiae,*| and which was sent to the presidents of episcopal conferences, to the presidents of national liturgical commissions as well as of mixed commission, a question has arisen relative to interim texts, namely: Whether interim texts must be sent to the Conciliar Commission before they are promulgated?

*5 (1969), 3-12; English version in *African Eccles. Rev.,* 11 (1969), 191-198 ; *Catholic Mind. 61 (1969),* 49-56.

The aforesaid instruction speaks of this mater twice in n. 42 where *it seems* to say that such texts must be promulgated under *one* responsible agent: the liturgical commission or the episcopal conference.

The text of the instruction is not clear: 1) neither as regards power, which is seemingly given to liturgical commissions; 2) nor as regards confirmation on the part of the Conciliar Commission of the abovementioned interim texts.

/Is *to 1:* it must be said that the decision2 of the "Central Commission .. . for the Interpretation of Conciliar Decrees" which is reported in *Notitiae,* 4 (1968), 364 and *A.A.S.,* 60 (1968), 361, remains in force, namely, the conference cannot delegate to the liturgical commission the task of making liturgical vernacular translations and *approving them* for interim use. As a result, at least the council which presides over the episcopal conference itself must approve them.

reported in this volume under canon 222.

As *to* 2: What was set down and made part of public law in *Notitiae,* 4 (1968), 365, that is, interim vernacular translations must be sent to the Conciliar Commission for confirmation after they have been approved by the national liturgical commission *and* at least by the council which presides over the conference remains in force.

Reply. The Sacred Congregation for the Evangelization of Nations or for the Propagation of the Faith, in virtue of faculties granted

There is question of texts and formulas, at times of the greatest importance, which must be publicly and officially used in liturgical celebration. It is of the greatest concern that they be marked with all the requisite conditions of perfection and fidelity. Furthermore, if the approbation by the complete episcopal conference is not had, the confirmation by the Conciliar Commission constitutes the seal and sign of unity and concord.

(Private); Cone. Com. Lit., Declaration, 1969; reported in *Notitiae,* 5 (1969) 68.

Blessing of Holy Oils (S. C. Gent. Evang., 14 Jan., 1969) Private.

Petition. The president of the episcopal conference of the Antilles, in the name of all the Ordinaries of the said conference, humbly asks that in these territories the holy oils may be blessed also in the vesper hours of Wednesday of l loly Week.

cd to it by His Holiness, Pope Paul VI, and in view of the recitals, graciously grants the favor as requested.

The present grant is valid for five years.

Given at Rome, from the offices of the said Sacred Congregation, the 14th day of January, 1969.

(Private); S. C. Gent. Evang., Reply, Prot. N. 6444/68, 14 Jan., 1969; copy of the original kindly sent us by the Rev. M. B. Walsh, S.J., Chancellor of the Archdiocese of Kingston, Jamaica.

Particular Calendars·, interim Accomodation (S. C. Cult. Div., 29 June, 1969) Private.

Hollowing is the "Instruction on the interim accommodation of particular calendars."

In the decree of the Sacred Congregation of Rites by which the new Roman general calendar was promulgated, it was stipulated that the calendars and propers of Offices and Masses must be revised "with attention given to the norms concerning the arrangement of the liturgical year." To make this work easier and safer, this Sacred Congregation for Divine Worship will give appropriate guidelines and norms.

Meanwhile, *for the year 1970* and until the typical edition of the liturgical books has been completed, these points will be observed.

1. Celebrations which are also written into the general calendar, should be performed on the same basis as noted in it.

2. Proper celebrations which have heretofore been inscribed on particular calendars, should be retained and should be noted on the same basis as celebrations which are found in the general calendar, namely:

a) beast of I class, which arc retained as solemnities in the new table of liturgical days, should become solemnities.

b) Feasts of II class, which arc retained as feasts in the new table of liturgical days, should be celebrated as feasts.

c) Feasts of III class should be considered as obligatory memorials. In a case of occurrence with an obligatory memorial of the general calendar, for the year 1970, the celebrant may choose either one at will.

d) Commemorations should become *ad libitum* memorials if they fall on days on which they can be celebrated. Otherwise, that is, if these commemorations fall on a day on which there is a solemnity, feast or obligatory memorial, they should be omitted.

3. The same norms given above should be applied to the feasts of *Blessed* if it happens that there are any on particular calendars.

From Vatican City, the 29th day of June, 1969, the solemnity of the holy apostles, Peter and Paul.

(Private); S. C. Cult Div., Instruction, Prot. N. 5 32/69, 29 June, 1969-, reported in *Notitiae,* 5 (1969), 283.

Vernacular of Liturgical Texts: Unicity Mitigated (S. C. Cult. Div., 6 Feb., 1970) Private.

In confirming the acta of episcopal conferences in those matters which look to the vernacular, the Apostolic See carefully strives that in regions where one and the same language obtains, unity of liturgical texts be had. As a result, it promoted the establishment of "mixed" commissions common to several episcopal conferences so that only one vernacular version of liturgical texts would be prepared (cf. letter of Cardinal Lercaro, 16 Oct., 1964;' allocution of the Supreme Pontiff, Paul VI, to the participants in an assembly on the vernacular versions of liturgical texts on 10 Nov., 1965).2

What with enormous labor the mixed commissions have prepared shows the benefits and usefulness of this cooperation (cf. *Instruction on the translation of liturgical texts for celebration with the people,*3 25 Jan., 1969, n. 41). Nevertheless, it cannot be denied that there are certain difficulties relative to the translations prepared by the mixed commissions which had to be suited to the needs of diverse peoples, especially from the fact that the documents referred to above demanded *only one* vernacular of version of *all* liturgical texts.

Consequently, after having attended to repeated petitions from some episcopal conferences, the Supreme Pontiff stipulated that uniformity must be preserved only in the text of the *Rite ofMass* and in the parts which *require the direct participation of the people.*

This new norm which was made known directly to the episcopal conferences of the Portuguese language (12 Nov., 1968, Prot N. 2578/68) and to those of the Spanish language (5 August, 1969, Prot. N. 905/69), was set before the others in the instruction on the

'Reported in *Canon Law Digest, 6,* pp. 99-KX).

2 Reported in *Canon Law Digest, 6,* pp. 115-116.

3Eng. version in *African Eccles. Rev.,* 11 (1969), 191-198; *Catb. Mind.* 67 (April, 1969), 49-56.

gradual application of die *apostolic constitution, Missale Romanum, of 20 Oct., 1969.4*

However, in order that the relations between the mixed commissions and the episcopal conferences may be more clear and become more facile, in addition to those points published in the above-mentioned *Instruction on the translation of liturgical texts for celebration with the people,* n. 4, the following are definitively established:

1. Only one vernacular version is to be had:

(a) for all parts of the liturgy, such as the acclamations, responses, dialogue, which require the direct participation of the people.

(b) in the Mass, for the parts which pertain to the *Rite of Mass (Ordo Missae).*

(c) in the Divine Office, for the psalms, hymns and prayers at Lauds and at Vespers.

2. For the other liturgical texts only one vernacular version is recommended. Nevertheless, where real necessity exists, the individual episcopal conferences will be able to adapt the common translation or to make a new translation.

3. The texts mentioned above in n. 1 must be approved by all the episcopal conferences which are obliged to use it, before confirmation of the said texts is granted by the Apostolic See. Proof of this approbation of the texts by the episcopal conferences will be had from the report of the president of the mixed commission to this Sacred Congregation.

This new regulation does not diminish the opportunity and usefulness of the joint work by the mixed commission but rather is intended to render easier consensus between the episcopal conferences regarding the liturgical text drawn up for the same language. This Sacred Congregation greatly desires that the activity of the mixed commissions may continue to bear rich fruit.

From the office of the Sacred Congregation for Divine Worship, the 6th of February, 1970.

(Private), S. C. Cult. Div., norms, 6 Feb., 1970; reported in *Notitiae, 6* (1970) 84-85.

Holy Thursday Participation (S. C. Sacr., 10 March, 1970) Private.

After having subjected to diligent examination the petitions of several Ordinaries who petitioned this Sacred Congregation to make

4 Reported below under canon 818.

easier the participation in the eucharistie celebration on Holy Thursday in order to receive Paschal Communion on that day, this Sacred Congregation, on mandate of His Holiness, Pope Paul VI, decrees the following:

1. Where a pastoral reason so demands, the local Ordinary can permit that, in addition to the principal Mass of the Lord's Supper, another Mass can be celebrated in the afternoon hours in churches and in oratories, whether public or semipublic. However, iri a case of real necessity, he can allow this Mass to be celebrated also in the morning but only for the faithful who cannot otherwise participate in the afternoon Mass. Care should be taken, moreover, that celebrations of this kind are not for the benefit of private persons and are not prejudicial to the principal Mass in the evening.

2. Priests who have already celebrated at the Mass of Chrism or for the advantage of the faithful, may concelebrate anew at the evening Mass.

Given at Rome, 10 March, 1970.

(Private); S. C. Sacr., rescript, 10 March, 1970; reported in *Archiv K. K.,* 139 (1970),151.

Authorship and Copyright of Vernacular Translations (S. C. Cult. Div., May, 1970) Private.

Questions. Some national commissions on the sacred liturgy have asked:

1. Whether in translations published in the vernacular the name of the author or authors who produced them can be inscribed, or whether they must remain anonymous?

2. Whether the copyright can be ascribed to one or other private person or to the editor, or is it necessary that the copyright remain in the hands of the episcopal conference or the national liturgical commission?

Replies. After having naturcly weighed everything, and also after having listened to experts from several nations, the Sacred Congregation for Divine Worship declares the following:

To 1. All popular translations of any liturgical document or text whatever should be completely anonymous just as is done for the Latin texts emanating from this office under the name and with the authority of the Congregation; the names of the authors must not be indicated cither in the text or in the preface in the liturgical books which are to be used at the altar by the celebrant or other sacred ministers.

To 2. The Copyright for all tanslations must remain in the hands of the episcopal conference or the national liturgical commission.

(Private); S. C. Cult. Div., declaration, undated but published in May, 1970 issue of *Notitiae,* 6 (1970),! 53.

Third Instruction on the Correct Implementation of the Constitution on the Liturgy (S. C. Cult. Div., 5 Sept., 1970) AAS 62-692.

Following is the instruction, *Liturgicae instaurationes.*

The liturgical reforms which have thus far been affected toward the implementation of Vatican Council II's *Constitution on the Sacred Liturgy*[1] look above all to the celebration of the Eucharistic mystery. For in it "the entire spiritual good of the Church is contained, namely, Christ Himself, our passover and living bread, offering life to men by His flesh made alive and giving life by the Holy Spirit. They are thus invited and drawn to offer themselves, their works and all created things together with Him."[1] Similarly, the renewed celebration of the sacrifice of the Mass in liturgical assemblies declares it to be the center of the whole life of the Church to which all other works are ordered. Thus the purpose of the restored rites is to stir up pastoral activity which has the liturgy as its culminating point and source and to make the paschal mystery of Christ come to life [2]

The work of renewal which has been brought about gradually during the past six years, provided the transition from the former liturgy to that of the present which is set forth in a more precisely arranged and fuller form in the newly-edited *Roman Missal* together with the *Rite of Mass* and *General Instruction* annexed to it. As a result, it can be said that a new road, with promises of great things, has been already cleared for pastoral-liturgical action. Moreover, the recently published Mass lectionary and the great supply of formularies contained in the *Roman Missal* for the celebration of the Eucharist open wide the gate for many possibilities of action.

The opportunity to choose various texts and the flexible rubrics certainly foster active, acceptable and spiritually healthy celebration since they accommodate the celebration to local conditions and to

Reported in *Canon Law Digest,* 6, pp. 32-67.

[1] *Deer, on Priestly Mtn* , n. 5.

2cf. S. C. Rit., Instr. *Inter oecuntentci,* 26 Sept., 1964. nn. 5-6. complete instruction reported in *Canon Law Digest,* 6. pp. 7 3-99.

the character and culture of the faithful. Consequently, there will be no need to employ one's own discoveries and whims, whereby the celebration itself is weakened.

The transition, made gradually to the new recent forms, which took into consideration both the overall restoration program and the great variety of local conditions, has been graciously received by the majority of the clergy[3] and the faithful although here and there it has met with some rejection and impatience. Some persons, with a view to preserving the old tradition, have reluctantly accepted this kind of reform; others, however, because of pressing pastoral needs, believed they should not wait until the final reforms would be promulgated. The result of all this has been that certain individuals have resorted to private initiatives, to hasty and, at times, indiscreet arrangements, to changes and additions, or to more simplified rites, which not rarely were contrary to the main liturgical norms and, in addition, disturbed the conscience of the faithful and provided an obstacle to or rendered more difficult the very project of true renewal.

For these reasons, not a few bishops, priests and lay persons have besought the Apostolic Sec to interject its authority to preserve and to augment that productive and long-awaited liturgical harmony which belongs and is peculiar to the Christian family assembled in the presence of God.

Wherefore, what seemed impossible while the Commission was bringing about and accomplishing the restoration of the liturgy, can now be done in view of all that has been firmly and definitively established.

First of all, appeal must be made to the authority of the individual bishops whom the Holy Spirit has set up to govern the Church of God,[4] especially since they arc "the principal dispensers of the mysteries of God, just as they arc the moderators, promoters and guardians of the whole liturgical life in the Church committed to them."[5] It is their duty to moderate, direct, stimulate, and also at times reprove, but always to make clear the carrying out of true renewal and, likewise, to have regard that the whole liturgy of the Church can move ahead with the same mind, in the unity of charity, on the diocesan, national and international levels. This work of the

3Cf. Paul VI, allocution to a general audience, 20 Aug., 1969, in O. A' 21 Aug. 1969.

4Cf. *Acts,* 20:28.

Deer. on Past off, of Ups., n. 15; *Const, on Sac. Lit* n. 22.

bishops in this arca is necessary and more urgent because of the intimate connections existing between liturgy and faith in such wise that what renders service to the one, redounds to the other.

The bishops, with the help of their liturgical commissions, should be diligently informed of the religious and social condition of the faithful entrusted to their care, of their spiritual needs, and of the best way to help them, and use all the means provided by the new rites. In this way they will be able to weigh what conduces or is opposed to genuine renewal and thus to suggest and moderate, with care and wisdom, what must be done so that, with just needs recognized, the whole work may, nevertheless, be carried out in accordance with the norms set forth in the new liturgical laws.

The appropriate knowledge of the situation which bishops have, is of not a little help to the priests in the ministry which, of course, is to be carried out in hierarchical communion.6 That knowledge makes easier the necessary obedience which is demanded for the more perfect expression of worship and the sanctification of souls.

Therefore, in order to render easier the task of the bishops in the appropriate execution of the liturgical norms, especially those given in the *General Instruction of tbe Roman Missal,* and in order that in the celebration of the Eucharist which is so important in the Church's life as "a sign of unity, a bond of charity,"7 both discipline and order may be restored, it has seemed appropriate to call to mind the following regulations and exhortations.

1. The recently passed norms have made simpler the liturgical formulas, gestures and actions in accord with the principle set down in the *Constitution on tbe Sacred Liturgy:* "The rites should be marked by a noble simplicity·, they should be short and clear without useless repetitions; they should be suited to the understanding of the faithful and, generally, should not require much explanation."8 However, in this area the prescribed limitations arc not to be transgressed because those who would do so, divest the liturgy of its sacred signs and its special attractiveness which arc necessary so that the mystery of salvation may be truly brought to perfection in the Christian community and, with the help of adequate catechesis, be correctly understood under the veil of things visible.

The renewal of the sacred rites in no way at all looks to so-called *desacrilization* nor does it wish to provide any argument for that

bDecr. on Priestly Min., n. 15.

7Const on Sac. Lit., n.47.

**Ibid* . n. 34:

phenomenon called -*worldly secularization.* As a result, the dignity and gravity and sacred character of the rites must be preserved.

The force of liturgical actions is not found in rites frequently tested and revised or even reduced to a still simpler form but only in an ever deeper examination into the word of God and the mystery which is celebrated whose presence is confirmed by the observance of the Church's rites and not by those rites which some priest, indulging his own ingenuity, sets up.

Consequently, it must be kept in mind that private restorations of sacred rites introduced by the priest offend the dignity of the faithful and open the way to individual and personal forms in sacred celebrations which pertain directly to the whole Church.

For the ministry of the priest is the ministry of the universal Church and, therefore, cannot be exercised except through obedience and communion with the hierarchy and with the aim of serving God and the brethren. The hierarchical nature of the liturgy, its sacramental force, and the observance due to the community of the faithful certainly demand that the priest carry out his role in worship as "a faithful minister and dispenser of the mysteries of God,"[9] without introducing any rite which is not set down and approved in the liturgical books.

2. Among the sacred texts recited in the liturgical assembly the sacred books of scripture stand out with special dignity because in them God addresses His people and Christ, present in His words, proclaims the gospel.[10] Wherefore:

(a) The liturgy of the word must be tended to with the greatest care. Never is it allowed to substitute other readings for it, whether they be taken from sacred or profane authors, past or present. The purpose of the homily is to explain to the faithful the proclaimed word of God and to adapt it to the thinking of this age. This, therefore, is the responsibility of the priest. The faithful, however, are to refrain from comments, dialogue and similar activities. It is not permissible to have only one reading.

(b) The liturgy of the word is a preparation for the Eucharistic liturgy and leads up to it, making a unified act of worship with it.*[11] Consequently, it is not allowed to separate the one from the other or to celebrate them at different times and places.

for an appropriate conjunction of some other liturgical action or a

9Cf. / *Cor* , 4:1.
10Cf. *Const, on Sac. I.it* , nn. 7; 33,
11'Cf. *ibid.,* n 56.

H;

J

part of the divine Office preceding the Mass with the liturgy of the word, the special norms set down in the liturgical books should, if need be, be consulted.

3. The liturgical texts composed by the Church must also be employed with the greatest honor. Therefore, nobody may on his own initiative make changes, substitutions, deletions, or additions.12

(a) The Rite of Mass *(Ordo Missae)* must be observed with special attention. The formulae contained therein may by no means be changed in the official translations, not even under the pretext of a sung Mass. On the other hand, its individual parts, namely, the penitential rite, the Eucharistic prayers, the acclamations, the blessing at the end of Mass, may be selected from the various differing formulae as noted in its proper place in the individual rites.

(b) The antiphons for the entrance and the communion may be taken from the *Roman Gradual,* the simple *Gradual,* the *Roman Missal,* and from the collected texts approved by the episcopal conferences. These conferences, however, in the selection of songs for the celebration of Mass, must keep in mind not only their compatibility with the times and various circumstances of the liturgical action, but also the needs of the faithful singing them.

(c) Singing by the people must be fostered in every way possible, even by using new forms accomodated to the character of the people and the mentality of today's persons. The episcopal conferences should draw up a list of songs which may be used in Masses for particular groups, e.g., young people and children. These songs, not only in their words but also in their melody, rhythm and use of instruments, should correspond to the dignity and holiness of the place and of divine worship.

Although no type of sacred music is barred from liturgical services,13 nevertheless not every kind of music or song or instrumental sound can be considered as having the same potency to nourish prayer and express Christ's mystery. The function of all these is ordered to celebrating divine worship and, as a result, should be distinguished by holiness and good form;14 should correspond to the spirit of liturgical action and to the nature of its individual parts; should not be an obstacle to active participation by the whole assem-

J' cf. *ibid* n. 22, §3.

Cf. S. C. Rit., *Instruction on sacred music,* 5 March, 1967, n. 9, *Const on Sac Lit.,* n. 116; both documents reported in *Canon Law Digest* 6 pp 735-754 and 32-67 respectively.

14Cf. S. C. Rit., cited *Instruction,* n. 4.

bly;[15] and should direct the mind's attention and the heart's devotion to the sacred action.

Further determinations belong to the episcopal conference or, if the general norms are not had, to the individual bishops within the confines of their own diocese.[16] Moreover, with consummate care should the selection of musical instruments be made so that they are had in a limited number and appropriate to the place and the nature of the community, and such as to foster devotion and not be too noisy.

(d) A great opportunity is granted for the selection of the prayers which may be taken, especially on the weekdays throughout the year, from any of the thirty-four weekly formulae or from the Masses for various occasions[17] or from the votive Masses.

Furthermore, in translating the texts, the episcopal conferences can use the special norms given on this topic in n. 34 of the instruction issued by the Commission on 25 January, 1969, on the vernacular translation of liturgical texts relative to celebrations attended by the people.[18]

(e) With reference to the readings, in addition to those assigned to each Sunday, feast and ferial, some others are had which may be used in the celebration of the sacraments or in special circumstances. Again, in Masses for particular groups, it is permitted to select special texts more suited to the celebration provided that they are chosen from the texts of the approved lectionary.[19]

(/) During the celebration of Mass, the priest may very briefly address the people, namely, at the very beginning, before the readings, before the preface, and before the dismissal of the people.[20] Contrariwise, he should refrain from making comments during the Eucharistic liturgy. These words, referred to above, should be short and to the point and should be thought out beforehand. If yet other comments are necessary, they should be turned over to the commentator of the sacred assembly with the proviso that all excess be avoided and only that should be said by him which is really necessary.

[15] Cf. *Const, on Sac. Lit.,* nn. 119-120.

[16] Cf. S. C. Rit., cited *Instruction,* n. 9.

[17] C. *Gen Instr, of Roni. Missal,* n. 323.

[18] Cf. *Notitiae,* 5 (1969),9-10; see also nn. 21-24, *op. cit.,* pp. 7-8; English version in *Catb. Mind.* 67 (April, 1969),49-56.

[19] Cf. S. C. Cult. Div., *Instruction on Masses for Special Groups,* 15 May, 1969, n. 6, e; complete text reported under canon 822 of this volume of *Canon Law Digest.*

[20] Cf. *Gen. Instr, of the Rom. Missal,* η. 11.

(g) In the universal intercessions, i.e., prayer of the faithful, it is appropriate to add to those which are said for the Church, the world, and the needy, some special invocation pertinent to the local community. Care should be taken, therefore, not to insert other intentions into the Roman canon at the mementos for the living and the dead. Those intentions should be prepared and written up beforehand and should be in harmony with this kind of recitation.21 Their public reading can be turned over to one or to several of those present in the liturgical assembly.

If those possibilities are known and wisely used, they afford a sufficiently ample provision that no recourse is to be made to compositions peculiar to the person. Consequently, priests should be instructed to prepare their celebration, taking into consideration the circumstances and the spiritual needs of the faithful, and acting with confidence within the limits set down in the *General Instruction* [of the Roman Missal].

4. More than all other parts of the Mass, the Eucharistic prayer pertains to the priest alone in keeping with his function.22 As a result, it is forbidden that any part of it be recited by a lesser minister, the assembly, or any one of the faithful. That is foreign to the hierarchical nature of the liturgy in which each person is to do solely and totally what pertains to him.23 Therefore, the Eucharistic prayer is to be recited totally by the priest alone.

5. The bread for the celebration of the Eucharist is wheat bread and, in accordance with the very ancient custom of the Latin Church, is unleavened.24

Although the truth of the sign demands that the bread appear as food which is broken and divided among brothers, nevertheless it must *always* be made in the traditional form in accord with the norm of the *General Instruction of the Roman Missal,25* whether there is question of the small hosts for the communion of the faithful or of the larger form of host which is then to be broken into sections.

The greater need of truth refers to the color, taste and texture of the bread rather than to its form. Because of the reverence due to the Sacrament, total care and diligence must be employed in making the bread for the Eucharist so that it can be broken with decorum and will not offend the sense of the faithful when it is eaten. Bread

21 Cf. *ibid.,* nn. 45-46.
22Cf. *ibid.,* n. 10.
23Cf. *Const, on Sac. Lit.,* n. 28.
24Gen. Instr, of Rom. Missal, n. 282.
2SCf. *ibid,* n. 283.

which tastes like unbaked flour or which becomes hard too soon and cannot now be eaten, should be completely avoided.

Moreover, the breaking of the consecrated bread as well as the consumption of the said bread and the consecrated wine, whether in the reception of Communion or in the consumption of the remains which perchance are had after Communion, must be done with the greatest reverence as becomes the Sacrament.26

6. The more perfect expression of the sacred sign is had by the participation of the faithful in Communion under both species.27 This manner of Communion is allowed only within the limits set down in the *General Instruction of tbe Roman Missal* (n. 242) and in accord with the norm of the instruction, *Sacramentali Communione,* issued on 29 June, 1970, by the S. Congregation for Divine Worship on the extended faculty for administering Holy Communion under both species.2 7 3

Wherefore:

(λ) Ordinaries should not grant this faculty indiscriminately but should clearly define the cases and the celebration within the limits established by the episcopal conference. They should avoid occasions in which a great number of communicants is present. Indeed, the groups should be well limited in number, orderly and homogeneous.

(/?) Before the faithful are allowed to receive Holy Communion under both species, they should be carefully instructed so that they can profoundly perceive its meaning.

(t), When Communion is taken from the chalice directly, there should be on hand priests or deacons or duly ordained acolytes who will offer the chalice to the communicants. In the absence, however, of such ministers, the rite described for the celebrant in n. 245 of the *General Instruction of tbe Roman Missal* must be observed.

It docs not seem that that method of acting should be approved wherein one person passes the chalice to another or where the communicants approach the chalice directly to take the Blood. In cases of this nature Communion by intinction should be preferred.

(d) The distribution of Communion belongs first of all to the priest-celebrant and, secondarily, to deacons and, in certain cases to be determined by the competent authority, to acolytes. The Holy Sec can permit that other persons also, who are well known and

■6Cf. S. C. Rit., *Instruction on Eucharistic Worship,* 25 May, 1967, n. 48; complete text reported in *Canon Law Digest,* 6, pp. 518-549.

27Cf. *Gen. Instr, of Roni. Missal,* n. 240.

Reported in this volume under canon 852.

authorized and who have been given a mandate, may be assigned this function. Contrariwise, those who do not have such mandate are not allowed to distribute Communion or to carry sacred vessels containing the Blessed Sacrament.

Relative to the manner of distributing Holy Communion, those points should be observed which arc set down in the *General Instruction of the Roman Missal* (nn. 244-252) and in the aforementioned instruction issued by this S. Congregation on 29 June, 1970. On the other hand, if a manner of distributing Holy Communion different from the traditional method is allowed, the conditions laid down by the Apostolic See are to be observed.

(e) Where, because of a dearth of priests, other persons such as catechists, especially in mission areas, are deputed by the bishop, with the permission of the Apostolic See, to conduct the liturgy of the word and to distribute Holy Communion, they should absolutely refrain from proclaiming the Eucharistic prayer. If perchance they think it appropriate to read the narrative of the institution of the Eucharist, they should use it as a reading in the liturgy of the word. Hence, in the above-mentioned groups of the faithful, after the liturgy of the word has been celebrated, the *Our Father* should be said and Holy Communion distributed in the prescribed rite.

(/) Whatever method is chosen, care should be taken that Holy Communion be distributed with dignity, devotion and decorum and that risks of less reverence be avoided and that attention be given to the character of each liturgical group and to the age and conditions and preparation of those who are to receive.28

7. In accord with the traditional liturgical norms in the Church, women (girls, married women, religious) are prohibited from serving the priest at the altar, even in churches, houses, convents, colleges, institutes for women.

Women, however, may function according to the norms already passed in these matters·.

*(a)*Proclaim the readings with the exception of the gospel. They should discharge their function with the use of modern technical instruments so that they may be easily heard by all. The episcopal conferences can determine more precisely the appropriate place from which the women may proclaim the word of God in the liturgical assembly.

(b) Announce the intentions of the prayer of the faithful.

8Cf. S. C. Cult. *Div., Instr, on Extended lacu tv of* //n/„ *y* °.' *,,oly Communion under Roth Species.* 29 June, 1970, n. 6.

(c) Lead the singing of the liturgical assembly and play the organ or other permitted instruments.

(d) Read the comments (or instructions) which are to help the faithful to be better understanding of the rite.

(e) Perform in service to the congregation of the faithful certain functions which in some places arc also usually entrusted to women, e.g., receiving the faithful at the doors of the church, directing them to their appropriate places, arranging their processions, collecting the offerings in the church.29

8. The sacred vessels, vestments and furnishings should be treated with special care and respect. If greater freedom is granted relative to their material and form, this is done in order that the different peoples and their artificers may be given the greatest possibility to spend the utmost of their talent for divine worship.

Nevertheless, attention should be given to the following:

(λ) Things destined for worship must always be "of quality, durable, and well-suited for sacred use."30 As a result, it is not permitted to use ordinary and common furnishings.

(b) Before chalices and patens arc used, they must be consecrated by the bishop who will judge whether they are suitable for the use to which they are destined.

(c) "The sacred vestment common to all ministers of every'grade is the alb."3 1 Reprobated as an abuse is the celebration and also the concélébration of Mass with a stole over the monastic cowl or over the ordinary clerical garb, not to mention civilian garb. It is likewise not permitted to perform other sacred actions such as the imposition of hands at the conferral of Orders, or to administer other sacraments, or to give blessings, using only the stole over so-called civilian clothes.

(d) It pertains to the episcopal conferences to decide whether materials other than those which are traditional, should be selected for sacred furnishings. On the other hand, they should inform the Apostolic See on such matters.3 2

As regards the form of sacred vestments, the episcopal conferences can define and propose to the Apostolic See adaptations which correspond to the needs and customs of the individual regions.33

9. The Eucharist is ordinarily celebrated in a sacred place.34 Ex-

[oq] Cf. *Gen. Instr, of Rom. Missal,* n. 68.
30Cf. *ibid.,* n. 288.
31 Ibid., n. 298.
32Cf. *Const, on Sac. Lit.,* n. 128.
Cf. *den. Instr, of Roni Missal,* n. 304.
34Cf. *ibid.,* n. 260.

cepi in real necessity which the Ordinary will decide within his own jurisdiction, it is not allowed to celebrate Mass outside a church. If, however, the Ordinary permits such celebration, care should be taken that a worthy place be chosen and that the sacred action take place upon a suitable table. Insofar as possible, the celebration should not be in dining rooms or on a dining table.

10. In the implementation of the renewed liturgy, the bishops should take the greatest care of the permanent and dignified arrangement of the sacred place, especially the sanctuary, in accord with the norms indicated in the *General Instruction of the Roman Missal*[35][36] and the instruction, *Eucharisticum mysterium*.[3] The arrangements which have been temporarily introduced during recent years, should meanwhile tend to take on permanent form. Some of these arrangements which the Commission reprobated, still exist, even though they are contrary to the liturgical meaning and to the elegance, facility and dignity of the sacred celebrations themselves.[37]

With the efforts of the diocesan commissions for the liturgy and sacred art and also, if need be, after consultation with experts and civil authorities, the detailed plans and temporary arrangements of new projects should be reviewed so that in all churches a permanent arrangement may be obtained which preserves old monuments, if any arc had, and, as far as possible, meets the new needs.

11. To understand the renewed liturgy, a great deal of effort is still necessary in order that the revised liturgical books may be accurately translated into the vernacular and published. They must be translated in their entirety and they must replace the other special ritual books which were formerly in use.

If the episcopal conference believes it necessary or useful to add other formulas, or to make certain adaptations, these may be introduced after approval by the Holy See, and should be distinguished from the original Latin text by special signs.

In this kind of work it will be advantageous not to proceed hastily and to use the assistance of many persons—not only of theologians and liturgical experts, but also of fluent speakers and literary persons

34Cf. *ibid.*, n. 260
3SCf. nn. 253-280.
36Cf. nn. 52-57.

Cf. Letter of Card. Lercaro, president of the Commission for the Implementation of the Constitution on the Sacred Liturgy, to the presidents of the episcopal conferences, issued on 30 June, *1965-Notitiae* 1 (1965) 261-262.

so that the translations may be works of real beauty which by their dignity, number, elegance, and richness of style and expression, can promise prolonged use and which will be in complete harmony with the inmost content of their sentences.38

In the preparation of liturgical books in the vernacular, however, the traditional norm of editing the text should be observed so that the names of the translators and authors are not known. These liturgical books arc destined for the Christian community and are prepared and published only by the hierarchy's mandate and authority which are not subject to the consent of private persons under any title. The contrary would be offensive to the freedom of authority and the dignity of the liturgy.

12. If experiments in matters liturgical seem necessary or useful, they are permitted by this Sacred Congregation alone and then only in writing, with certain and definite norms and under the responsibility of the competent local authority.

As regards the Mass, all faculties to carry out experiments, granted with a view to effecting the renewal, must be considered to have lost their force. With the publication of the new Roman missal, the norms and form of the Eucharistic celebration are those which are given in the *General Instruction* and the *Rite ofMass.*

The adaptations mentioned in the liturgical books should be more clearly defined by the episcopal conferences and submitted to the Apostolic See for confirmation.

If still wider adaptations, in accord with n. 40 of the constitution. *Sacrosanctum Concilium,* arc necessary, the episcopal conference should look into the matter thoroughly, weighing the character and traditions of each people and their special pastoral needs. If it seems useful to carry out certain experiments, their limits should be accurately defined and they should be performed in groups suitable for them and under the direction of prudent men designated by a special mandate. Experiments should not be performed in large celebrations nor should word of them be spread abroad; they should be narrowly limited in number and not protracted beyond a year. Afterwards, a report on them should be sent to the Apostolic See. It is not permissible to put the petitioned adaptations into use while a reply from the Apostolic See is awaited. On the other hand, when there is question of changing the structure of rites or the order of parts which have been set down in the liturgical books, or of anything else which

38Paul VI, allocution to the Liturgical Commissions of Italy, 7 Feb., 1969, reported in *O. R.,* 8 Feb., 1969.

departs from traditional usage, or of introducing new texts, an outline, detailed in all points, should be proposed to the Apostolic See before experiments of any kind whatever are initiated.

This manner of procedure is required and demanded by the constitution, *Sacrosanctum Concilium,* and the importance of the matter.

13. Finally, it must be remembered that the whole Church is affected by the liturgical renewal legislated by the Council and this demands that in pastoral gatherings consideration be given both in theory and in fact to the Christian instruction of the people so that the liturgy will become alive, rousing the mind's attention and adapted to it.

I'he present renewal strives to produce a liturgical prayer which springs from a live as well as ancient spiritual tradition. And when it is produced, it must be manifested as the work of the whole People of God, structured in its diversity of orders and ministries.[39] Only in this unity of the whole ccclesial joining together is preserved sure effectiveness and authenticity.

Therefore, pastors, most especially, motivated by an eager observance of the laws and precepts of the Church and by a spirit of faith, and setting aside their own particular inclinations and individual desires, should be ministers of the common liturgy by their own example, their research, and their intelligent and persevering fulfillment of their duty to teach, preparing that bright spring which is sought for from that liturgical renewal which looks to the needs of our time and is foreign to secular ideas and self-will which seriously threaten that renewal.

I his instruction, which was drawn up by the Sacred Congregation for Divine Worship by mandate of the Supreme Pontiff, was approved on the third day of September of this year by the Supreme Pontiff himself, Paul VI, who also confirmed it by his authority and ordered that it be published and observed by all concerned.

From the offices of the Sacred Congregation for Divine Worship, the 5th day of the month of September in the year 1970.

/VAS 62-692, S. C. Cult. Div., instruction. 5 Sept., 1970. Annotations in *Ephem. Liturg.,* 84 (1970),460-468 (Braga).

39Cf. n. 40.
40Cf. Gen. *Instr of Rom. Missal,* n. 58.

Votive Mass Faculty for Pilgrims at Shrines (S. C. Cult. Div., 10 Dec., 1970) Private.

A number of shrines, which individually requested it, were given the faculty:

It is granted *for five years* that on the individual days of the year *(per annum)* a votive Mass may be celebrated but *only* for pilgrim priests or as often as the requested votive Mass itself is said in favor of pilgrims, *provided* that there does not occur a liturgical day listed in nn. 1-4 of the table of precedence (cf. *Normae Universales de Anno Liturgico et de Calendario,* n. 59, I).

Private; S. C. Cult. Div., faculty, 10 Dec., 1970, Prot. N. 135/70; reported, together with a list of the shrines having this faculty, in *Notitiae,* 7 (1971),58; 8 (1972),1 14, 211, 360-361.

Holy Week Adaptations for United States (S. C. Cult. Div., 13 Jan., 1971) Private.

At the request of His Eminence John Francis Cardinal Dearden, Archbishop of Detroit, President of the National Conference of Catholic Bishops, on 30 November, 1970, and in virtue of the faculties granted to this Sacred Congregation by Pope Paul VI, we gladly confirm the enclosed English translation of the Rite of Holy Week, prepared by the mixed commission for English-speaking countries, with the following adaptations:

1. *Good Friday*

a) If the size or nature of a parish or other community indicates the pastoral need for an additional liturgical service on Good Friday, the local Ordinary may permit the service to be repeated later.

b) If the number of people make it impossible for everyone to venerate the cross individually, the veneration of the cross may take place according to no. 19 of the Roman Missal. When possible, only one cross should be used. If a custom exists to venerate the cross individually, a second or third cross may be used.

c) The general intercessions may take place in the traditional way or with a suitable acclamation of the people before each prayer. The text of this acclamation should be approved by the episcopal conference.

2. *Easter Vigil*

After the entire celebration of the vigil, in those places where the local Ordinary permits the anticipation of Sunday Masses on Saturday evening, for pastoral reasons an additional Mass may be celebrated with these conditions:

a) The celebration takes place *after* the Easter Vigil. The Mass of the vigil is used, omitting the introductory part and the Easter proclamation (nos. 1-22). After the *Gloria* the liturgy of the Word takes place (nos. 23-36); the baptismal liturgy is omitted. The profession of faith follows or in its place the rite of renewal of baptismal promises takes place.

b) The Easter Vigil should not begin before nightfall.

3. *Easter Sunday*

In the Masses of Easter Sunday which are celebrated with a congregation, in place of the profession of faith the rite of renewal of baptismal promises may take place.

Anything to the contrary notwithstanding.

From the Sacred Congregation for Divine Worship, 13 January, 1971.

Private, S. C. Cult. Div., rescript, 13 Jan., 1971, Prot. N. 3790/70; reported in *Newsletter Bps. Com. Lit.,* 7 (1971),nn.1-2, p. 2.

Roman Missal; Liturgy of the Hours·, Calendar (S. C. Cult. Div., 14 June, 1971) AAS 63-712.

A notification regarding the Roman Missal, Liturgy of the Hours and Calendar for 1972 and 1973 is as follows:

By means of the instruction "on the gradual putting into effect of the apostolic constitution, *Missale Romanum,* published by this Sacred Congregation on 20 October, 1969, norms have been given whereby special cases and difficulties regarding the use of the new Roman missal were considered and the faculty was given to the episcopal conferences to prolong the suspension of law until the 28th of November, 1971?

l Reported below under canon 818. Date for limit of prolongation in/l/lSis given as *20* November, 1971. whereas in the original document it was *28* Novembre, 1971, which is also the date given in this notification as reported in *Notitiae.* 7 (1971),215.

It was also stipulated by this Sacred Congregation that both the general calendar and the particular calendars were to be kept in use, on an interim basis, also during this year, 1971.[2][3][4]

In view of these provisions, this Sacred Congregation for Divine Worship, with the approval of the Supreme Pontiff, has set down the following norms regarding the use of the Roman Missal, the Liturgy of the Hours, and the revised Calendar and proposed a solution for certain difficulties concerning the lining up of the calendar for the years 1972 and 1973.

\. *The Roman Missal and tbe Liturgy of the Hours*

1. The *Roman Missal* and the *Mass Lectionary,* published by this Sacred Congregation,' may even now be used in celebrations which are performed in the Latin language. Likewise the book of the *Liturgy of the Hours* may be used as soon as it comes to light.

2. The episcopal conferences should take care that vernacular editions of the said liturgical books be completed as soon as possible.

Notwithstanding this, in view of the special difficulties in producing the said books, they should determine the date from which the said vernacular editions, after they have been approved by the conferences themselves and confirmed by the Apostolic See, may or must be put into use either totally or partially.

From the date when this popular version will have to be used in celebrations performed in the vernacular, those also who continue to use the Latin version will have to use only the revised form of the Mass and of the Liturgy of the Hours.

3. For those, however, who because of advanced age or infirmity experience serious difficulties in observing the new Rite of the Roman Missal, the Mass Lectionary or the Liturgy of the Hours, it is permissible that, with the consent of their Ordinary and only in a celebration performed without people, they may retain, either totally or partially, the Roman missal in the typical edition of 1962, revised by decrees in the years 1965 and 1967? or the Roman

2Cf. *Notification,* 17 May, 1970, reported in *Notitiae,* 6 (1970),193.

3Cf. deer. *Celebrationis Eucbaristicae, 26* March, 1970; Æ4S, 62 (1970), 554-rcported below under canon 818; deer. *Ordine lectionum,* 30 Sept.. 1970: Λ/IS, 63 (197D.71O.

4S. C. Rit., deer. *Nuper edita,* 27 January, 1965: Λ/IS, 57 (1965),408-409; *Second Instruction* on the correct implementation of the Constituion on the Sacred Liturgy, 4 May, 1967: *AAS,* 59 (1967),442-448; both documents reported in *Canon Law Digest,* 6, pp. 103-104 and 131-137 respectively.

breviary which was formerly in use.

4. Relative to the language to be used:

a) As *regards Mass with people,* the episcopal conferences have the right to make the decision regarding the use of the vernacular in any part of the Mass.

Relative to the conventual Masses of monasteries, the particular law should be observed.

After having, first of all, looked to the good of the faithful, local Ordinaries should consider whether, after introduction of the use of the vernacular, it is advisable that in some churches, especially where faithful of different languages quite frequently come together, one or several Masses should be celebrated in the Latin language, and particularly sung Mass.5 In Masses which arc celebrated in the Latin language, it is advantageous to proclaim the readings from sacred scripture and the prayer of the faithful in the vernacular but keeping in sight the condition of the participants who may use a different tongue.

b) *In Masses without people,* every priest may use either the Latin language or the vernacular.

c) The Liturgy of the Hours, whether alone or in common or in choir, may be celebrated in the vernacular with the consent of the Ordinary.

2. *The Calendar*

5. After having attended to the stage of the work of translation of the Roman missal and the Liturgy of the Hours into the vernacular, the episcopal conferences should determine the date from which the General Roman Calendar, which was promulgated in the *motu propio, Mysterii paschalis,* on 14 February, 1969,Sa must be put into practice in their territory.

Until the work of translation is completed, the said conferences should issue appropriate norms regarding the calendar to be observed for the celebration of Mass and of the Liturgy of the Hours, whether in Latin or in the vernacular.

6. While those who use their own calendar are awaiting its revision, they must observe the calendar heretofore in effect in those matters which arc proper to them but with the change of rank of the

sCf. S. C. Rit., instr. *Musicati Sacram,* 5 March, 1967, n. 48: /MS 59 (1967), 314. Canon *Law Digest,* 6 pp. 74K-749.

S2See can. 2, ref. in this volume under Calendar.

celebrations in accord with the universal norms regarding the calendar and with the variations made on those points which do not agree with the aforesaid norms. For the rest they are obliged to observe the norms given by the episcopal conferences.

The work of revision of particular calendars must be completed within the time defined for it by the instruction on the calendar.[6]

7. *In the year 1972,* the solemnity of St. Joseph falls on the fifth Sunday of Lent. Consequently, it is anticipated on Saturday, namely, on the 18th of March.[7]

Where pastoral reasons make it advisable, the local Ordinaries can allow that also the evening Masses which are celebrated on the 18th of March for the satisfaction of the precept of participating in the Sunday Mass, may be of St. Joseph.

8. *In the year 1973,* because of the occurrence of certain solemnities, the calendar is arranged in the following manner:

a) The 24th of June, Sunday: *Birth of St. John the Baptist,* solemnity.

In places where the solemnity of Corpus Christi is transferred to this Sunday, the solemnity of St. John the Baptist is celebrated on the preceding date, the 23rd of June.

b) The 29th of June, Friday: *Sts. Peter and Paul, Apostles,* solemnity, and the *Sacred Heart of Jesus,* solemnity.

The solemnity of Sts. Peter and Paul is celebrated on this date and the solemnity of the Sacred Heart of Jesus is transferred to the following Sunday. However, where the solemnity of Sts. Peter and Paul is not to be observed as of precept and is, as a rule, transferred to the following Sunday, the solemnity of the Sacred Heart of Jesus is celebrated on the 29th of June and the solemnity of Sts. Peter and Paul on the 1st of July.

From the offices of the Sacred Congregation for Divine Worship, the 14th day of June, 1971.

AAS 63-712; S. C. Cult. Div., notification, 14 June, 1971.

Liturgical Calendar: United States (S. C. Cult Div., 28 Dec., 1971)

Private.

At its November, 1971 meeting, the National Conference of

6Cf. S. C. Dull. Div., instr. *De calendariis particularibus atque Officiorum et Missarum propriis recognoscendis,* 24 June, 1960, n. 4: /1.4S, 62 (1970),652.

7Cf. *Calendarium Romanum,* Universal norms regarding the liturgical year and the calendar, n. 5, Vatican Press, 1969, p. 12.

Catholic Bishops voted to include the following feasts in the liturgical calendar for all the dioceses of the United States:

January 4	Blessed Elizabeth Ann Seton	memorial
January 5	Blessed John Neumann, bishop	memorial
May 15	Saint Isidore	optional memorial
September 9	Saint Peter Claver, priest	memorial
October 19	Saints Isaac Jogues, John de Brebeuf, priests, and companions, martyrs	memorial
November 13	Saint Frances Xavier Cabrini, virgin	memorial
December 12	Our Lady of Guadalupe	memorial

This calendar was confirmed by the Sacred Congregation for Divine Worship, 28 December, 1971. *

(Private); S. C. Cult Div., rescript, 28 Dec., 1971, Prot. N. 21 5 3/71 ; reported in *Newsletter, Bps. Com. Lit.,* 7 (1971),n.12, p. 4. I

Roman Gradual Revised (S.C. Cult Div., 24 June, 1972) AAS 65-274.

In its *Constitution on the Sacred Liturgy* (nn. 114 and 117)' Vatican Council II expressly declared that the treasury of Gregorian chant which tradition has transmitted down to our time must be preserved in a holy manner and used as opportunity affords.

In order, therefore, that this norm may be made effective, especially after the revision of the new liturgical books in accord with the intent of the said Vatican Council, this Sacred Congregation for Divine Worship deemed it opportune to indicate certain points whereby the *Roman Gradual* should be accomodated to the new state of things and no text of the treasury of authentic Gregorian chant lost.

Consequently, on order of the Supreme Pontiff, Paul VI, this Sacred Congregation has stipulated that those who carry out the Eucharistic celebration in the Latin language should follow this new arrangement in handling the chants pertaining to that celebration.

All things to the contrary notwithstanding.

From the offices of the Sacred Congregation for Divine Worship, the 24th day of June 1972, the nativity of St. John the Baptist.

l *Canon Law Digest,* 6, p. 62.

AAS 65-274; S. C. Cult. Div., decree, 24 June, 1972; the original form carried Prot. N. 631/72, reported in *Notitiae,* 8 (1972),21 5, and followed (pp. 216-220) by the introduction (a preamble and 23 numbered sections) and annotations (pp. 221-226 by Claire).

Eucharistic Prayer: Bishop to be Named (S. C. Cult. Div., 9 Oct., 1972) AAS 64-692.

Herewith the "decree on the name of the bishop to be mentioned in the eucharistie prayer."

Since nothing is indicated in the *Roman Missal* about the name of the bishop to be mentioned in the eucharistie prayer, many Ordinaries as well as episcopal conferences have asked this Sacred Congregation who are to be named in the said prayer.

The bishop is remembered in the eucharistie prayer not only nor principally for the sake of honor but for the sake of fellowship and charity, or to signify the steward of the grace of the supreme priesthood,[1] or to seek and obtain divine assistance for himself and his ministry in the very celebration of the Eucharist which is the summit and source of all the activity and power of the Church.[2]

It is evident, of course, that many of these reasons hold also for those who, whether they are possessed of the episcopal character or not, govern a portion of the People of God which has not been organized as a diocese. Wherefore the following provisions are established:

I. In the eucharistie prayer must be named:

a) the diocesan bishop;

b) the bishop who has been transferred to another see but retains the administration of his prior see;

c) the apostolic administrator, when the "see is full" or the see is vacant, whether permanent or temporary, who is a bishop and actually discharges the total role, especially in matters spiritual,

d) the vicar and prefect apostolic;

e) the prelate and abbot *nullius* to whom has been entrusted jurisdiction over territory disjoined from any diocese.

II. In addition to those mentioned above, *it is permissible* to name in the eucharistie prayer the coadjutor and auxiliary bishops who render service to the diocesan bishop in the ruling of the diocese,

1 Cf. Vat. Coun. II, *Dog, Const, on the Church,* n. 26.

2Cf. Vat. Coun. II, *Const, on Sac. Lit.,* n. 10.

and others provided they are possessed of the episcopal character. If there are many such bishops, all are mentioned at one time after the name of the specific Ordinary referred to in η. I but their names are withheld.

HI. In other altogether special circumstances the Apostolic See should be contacted.

IV. As regards the formulas to be used:

rt) the formula to be used for remembering the bishop, or vicar and prefect apostolic, or even the prelate and abbot *nullius,* in accord with the diversity of circumstances will be: "together with *N.,* our bishop (vicar, prelate, prefect, abbot)";

b) if the names must be grouped together, the name of the diocesan bishop should always be pronounced *first,* then the second name, using this formula: "together with N., our bishop, and *N."* or, when many must be named, using the general formula: "together with M, our bishop, and his assistant bishops";

c) when Mass is celebrated by a priest in another territory but for a group of the faithful of his own diocese (vicariate or prefecture, prelacy or abbacy *nullius),* for example, on the occasion of a pilgrimatc, the formula will be: "together with *N.,* our bishop (vicar, prelate, prefect, abbot) and *N.,* bishop of this church";

d) when Mass is celebrated by a bishop:

—within the confines of his own Church, he may associate the coadjutor or auxiliary bishops with himself with the formula: "together with me, Your unworthy servant, and with my assistant bishops" ;

—outside the confines of his own Church, the formula will be: "together with my brother, *N.,* bishop (or prelate, prefect, etc.) of this Church and me, Your unworthy servant."

These statutes, which the Sacred Congregation for Divine Worship decreed after having taken counsel with the Sacred Congregation for Bishops and the Pontifical Commission for the Revision of the Code of Canon Law, the Supreme Pontiff, Paul VI, on the 5th day of the month of September in the year 1972, approved and, by his authority, confirmed, ordering that they be observed by all to whom they pertain.

All things to the contrary notwithstanding.

From the offices of the Sacred Congregation for Divine Worship, the 9th day of the month of October, 1972.

AAS 64-692. S. C. Cult. Div., decree, 9 Oct., 1972. /Xnnotations in *Notitiae* 8 (1972),349-353 (G. P.)

Baptism: Adult: new ritual. *See* c. 755.

Breviary: *See* c. 135.

Calendar: Liturgical: Paul VI, Motu *proprio. Mysterii paschalis,* promulgating revision of the liturgical year and calendar, 14 Feb., 1969 (AAS 61-222); English version in *Catholic Mind,* 67 (June, 1969), 62-64; *T.P.S.,* 14 (1969-70), 181-184.

S. C. Rit., Decree, Prot. N. R 21/969, setting down adaptations of terminology and noting changes of feasts, 21 Mar., 1969; reported in *Notitiae,* 5 (1969), 163-164 and on pp. 165-176 are given the "Universal norms [61 [regarding the liturgical year and calendar'' and these are followed on pp. 177-186 by the "General Roman Calendar" which, in turn, is followed on pp. 187-202 with the specific plan of the 1970 general calendar.

Annotations on both documents in *African Eccles. Rev.,* 11 (1969). 364-371 (De Letter); *Amer. Eccles. Rev.,* 161 (1969), 114-120 (McManus); *Clergy' Monthly,* 33 (1969); 350-356 (De Letter); *Ephem. Liturg.,* 98 (1969), 160-201 (Braga).

S. C. Cult. Div., Instruction "on the revision of particular calendarsand of the propers of Masses and Offices" consisting of 50 norms; 24 June, 1970 (AAS 62-651). Annotations in *Ephem. Liturg.,* 84 (1970),366-379 (Braga).

S. C. Cult. Div., Notification that the interim calendars, both general and particular, will remain in use for 1971 because of impossibility of having vernacular editions of Roman missal ready in time, 17 May, 1970; reported in *Notitiae, 6* (197O),193.

Canonization: Process revised. *See* c. 1999; Paul VI, 19 Mar., 1969 Rite, new. itself: reported in *Notitiae,* 5 (1969), 292-293.

Cardinals: Rite used for imposition of the red biretta and for assignment of titular church: reported in *Notitiae, 5* (1969), 289-291.

Commission for the Implementation of the Constitution on the Liturgy: Allocution of Paul VI to, 14 Oct., 1968 (AAS 60-732); English version in *Catholic Mind,* 66 (Dec., 1968), 55-58; *The Pope Speaks,* 13 (1968-69), 351-355.

Easter Vigil: Faculty given for five years to local Ordinaries of U.S.A, to permit the Easter Vigil Mass on Easter Sunday morning; S. C. Rit., 20 Jan., 1968, Prot. N. C 7/968; reported in *The Jurist, 29* (1969), 207, n. 10.

Good Friday: Faculty given for five years to local Ordinaries of U.S.A, to permit repetition of the Good Friday liturgical service with certain abbreviations; S. C. Rit., 20 Jan., 1968, Prot. N. C 7/968; reported in *The Jurist,* 29 (1969), 206, n. 9.

"Graduate Simplex": Norms regarding vernacular translation; Cone. Com. Lit., 23 Jan., 1968; reported in *Notitiae,* 4 (1968), 10.

Holy Saturday. *See above* Easter Vigil.

Holy Thursday: Morning Mass: local Ordinaries in U.S.A, authorized for five years to permit one low Mass in morning but only in parish churches: S. C. Rit., 11 Dec., 1968, Prot. N. D 29/968; reported in *The Jurist,* 29 (1969), 206, n. 8.

Lcctionary: New. *See c.* 818.

Litanies: Saints: new formulae for solemn supplications and for occasions involving consecrations or solemn blessings; reported in *Ephem. Liturg.,* 98 (1969), 224-231. Annotation on pp. 231-234.

Liturgical Commission: Federation: United States: *Hom. and Past. Rev.,* 70 (1969-70), 211-214, 460-462 (Shaughnessy).

Liturgy: Commission for Interpreting the Constitution on: Paul VI, allocution to final session of, 10 April, 1970 (AAS 62-272).

India: At the request of the episcopal conference, the National Catechetical and Liturgical Centre of India drew up the text of a decree and a commentary (in English) on it for the implementation of Vatican II's constitution on the liturgy in accord with usage of India. The decree and commentary were approved by the Conciliar Commission for the Implementation of the Constitution on the Liturgy on 25 April, 1969 Prot. N. 802/69; reported in *Notitiae,* 5 (1969), 365-374; English version in *Clergy Monthly,* 33 (1969), 322-323.

Texts: norms for translation: Cone. Com. Lit., Instruction, 25 Jan., 1969; reported in *Notitiae,* 5 (1969), 3-12; English version in *African Eccles. Rev.,* 11 (1969), 191-198; *Catholic Mind,* 67 (April, 1969), 49-56. Annotations in *Hom. and Past. Rev.,* 70 (1969-70), 171-179 (Costelloe).

Thanksgiving Day: provisional Mass text for United States, S. C. Cult. Div., 1 June, 1969; reported in *Catholic Mind,* 67 (Nov., 1969), 43-55.

Liturgy of the Hours. *See* c. 135.

Missal: New. *See* c. 818.

New Eucharistic Prayers and Prefaces: Letter of Cardinal Gut to the presidents of episcopal conferences. *See* c. 292; Pres. Cone. Com. Lit., 2 June, 1968.

Oils: Holy. *See* c. 734.

Organ: Request by N.C.C.B. of United States to allow solo playing of organ and other authorized instruments refused: S. C. Rit., 21 Dec., 1968, Prot. N. D 32/968 ; reported in *The Jurist,* 29 (1969), 206, n. 7.

Spanish Language: S. C. Cult. Div., letter to the episcopal conferences and liturgical commissions of Spanish countries regarding liturgical books, etc., 29 Oct., 1971: reported in *Notitiae,* 8 (1972),38-40.

S. C. Cult. Div., letter to episcopal conferences of Latin America on certain aspects of liturgical renewal, 8 Nov., 1972, Prot N. 1514/72; reported in *Notitiae,* 8 (1972), 365-369.

CANON 3

Austria: Concordat on erection of Diocese of Feldkirch, 7 Oct., 1968(AAS 60-782).

Concordat regarding Catholic schools, 8 March, 1971 (AAS 64-478).

Bavaria (Bayern): revision of the 29 March, 1924 concordat, 7 Oct., 1968 (AAS 61-163). Annotation in *Monit. Eccles.,* 94 (1969), 343-366 (Lajolo).

Concordat concerning the department of theology at the University of Augsburg, 17 Sept., 1970 (AAS 62-821).

El Salvador. Concordat regarding military vicariate, 11 July, 1968 (AAS 60-382).

Papal Legates: Relations of Church and State. See c. 265; Paul VI, *Motu proprio,* 24 June, 1969, nn. I, П, IV, X, XI.

Rhine Palatinate: (Rheinland-Pfalz): Concordat with Holy See, 29 April, 1969 (AAS 62-157).

Saarland: Concordat on erection of chair of Catholic theology at University of Saarland, 9 Apr., 1968 (AAS 60-780).

Concordat on formation of Catholic teachers, 12 Nov., 1969, ratified on 3 June, 1970, on which date it also took effect (AAS 62-499).

Switzerland: Concordat on separation of part of Diocese of Basel and its erection into the Diocese of Tessin, 24 July, 1968, which did not become effective until 26 Feb., 1971 (AAS 63-212).

CANON 8

Commission for Revision of Code: Functions (Sec. St., 25 March, 1968) Private.

The Pontifical Commission for the Revision of the Code of Canon Law, which was established by the Supreme Pontiff, John XXIII, on 28 March, 1963, has the task of preparing, especially in the light of the decrees of the Second Vatican Ecumenical Council, the revision of the *Code of Canon Law* (promulgated on 27 May, 1917). Moreover, it has a consultive function, consisting in furnishing to the Departments of the Roman Curia technical information and opinion of a provisional character on forthcoming concrete inquiries of a juridical character as they are submitted.

(Private); Sec. St., circular letter, 25 March, 1968, Prot. N. 115121; reported in *Communicationes,* 1 (1969),5.

Canon Law: Revision and Study (Paul VI, 25 May, 1968) AAS 60-337.

The following allocution was addressed to the International Congress of Canonists.

Distinguished promoters of law studies, We gladly wish to welcome you to the city of Rome which, by common consent, all recognize to have been the fostering homeland of law and to have given it its birthplace. Moreover, We are especially pleased to greet you, devotees of canon law, because by your presence today you manifest a splendid attitude of mind whereby you cherish and honor the Church in the successor of St. Peter. For these expressions of devotion and loyalty We thank you very much.

1. The occasion for this meeting is the International Congress of Canonists which was carefully planned for the fiftieth anniversary of the day when the Code of Canon Law went into effect. It uses the Latin language which is, of course, the language of the Church. We are addressing you at the same time that the labor and work of the Commission which We established to renew canon law in keeping

with the prescriptions of the second Vatican Ecumenical Council, is in full rapid swing.

From these auspicious and mingling circumstances, We take occasion to touch upon something with you which constitutes the main topic of your discussion: the discipline of canon law.

Nobody is in a better position than you, dearly beloved sons and honored gentlemen, to evaluate with a more accurate balance of judgment just what is the function and purpose of law for the ramifications of the human community and society. Certainly all the purposes of law are linked together in a certain kind of unbreakable bond with the excellence and dignity of the human person in accord with the teleological plan of salvation set up by God, the Creator. For law is nothing more than a safeguard whereby the common good is authoritatively and lawfully ordered and advanced. It is a defense against external interventions of any kind and protects that inviolable autonomy within whose bonds every man becomes really capable of effectuating with a right conscience what pertains to his perfection as a human person.

Relative to this matter, We are greatly reminded to recall at this time that this is the twentieth anniversary of that solemn declaration in which the parties concerned expressed a more mature and precise realization of the purpose of law. We are speaking of the universal declaration of human rights which was approved by the General Assembly of the United Nations at Paris on the tenth of December, 1948.

But if we attentively consider man as a Christian and as a member of the people of God in the life of the Church, we fully realize that the foundation of law is in no way foreign to the mystery of salvation nor, if We may put it this way, docs it take its stand at the threshold of that mystery. Whatever is generally relative to the human person is certainly pertinent to the execution of the divine plan of salvation. Therefore, connected with and promoting that execution, the economy of salavation also embraces the heritage of laws, especially since these laws are joined in an indissoluble union with justice and with the human person.

Since law, then, is a definite factor having a bearing on the particular temperament of the human community, in it is lodged the care and guardianship of the dignity of the Christian inasmuch as he is modeled on Christ and is a son of the Most High. Indeed, it is law which gives and supplies to the "ecclesial" community the context and basis, if We may so put it, for the needs and conditions in which the strength of a flourishing Christian life is implanted, i.e., if con-

sideration is had of all the potencies proper to it for the attainment of "the mature measure of the fulness of Christ."[1]

Hence, it is in the Church, moreover, that charity buds and flowers: love, that is, which, like the gospel leaven, penetrates, nourishes and consecrates everything, bringing all together in Christ and forming a oneness. Finally, it is in this context of juridical statutes that the force and effectiveness of the pastoral office are set. Although the pastoral office is not the same thing as a juridical program nor to be converted into one, nevertheless, it is discharged with lively diligence and, from another viewpoint, is accepted with a compliance filled with trust to the extent that it finds a solid support in law.

2. Moreoever, in the society which is the Church, law as such cannot endure nor, it seems, function effectively unless it is spelled out in suitable norms and fittingly systematized. Since the nature of law demands statutes, they are not to be considered as abhorrent to the structure of the Church as though they were a foreign body which someone has forcibly grafted into its makeup. On the contrary, canon law is certainly of such a nature that it is of the greatest importance for the execution of the Church's life mission. It supports, safeguards and promotes all the common enterprises which are undertaken so that Christian life can be lived with even greater fidelity and constancy. Since, indeed, progress in Christian living demands, in turn, pastoral ministry, there is a proper and special need of Church statutes which arc to be such as to correspond to the various and multiple needs of pastoral activity, showing the open avenues whereby that Church can appropriately accomplish its work.

Consequently, since the canons – "positive" law as they are called – are drawn up to perform this task, they can by no means remain static or unchangeable. While they remain unchangeable in their primary function, still, in keeping with changing times and human exigencies, they do re-order and revitalize the constitutive parts and the special formulation of those laws in accord with the principles of law. Therefore, the almost limitless number of texts and collections which make up the *Fontes luris Canonici* which are the special subject matter of the canonist's study and searching investigation, is not a sort of rough heap of norms piled, as it were, one on top of the other, although it may seem to be such to one little skilled in them or laboring under prejudice.

However, if *Fontes* are placed in their proper light, they simply

*Eph. 413.

show and bear full witness to the assiduous labor on the part of the Church to accommodate the body of her laws to differences of time and to variations of circumstances, always with a view to promoting the continuous progress of the People of God. With the constant grace of the Holy Spirit, canon law is not a hindrance but a stimulus, not a corroder but a supporter, not an enforcement agent but a promoter and protector of Christian life truly so-called. As a result, the present revision of canon law will by no means be accommodated to a kind of structure divorced from reality and thought up antecedently, responsive only to the postulates sewn – if We may put it this way – in the innermost dialectics of a whole system of lawmaking. Neither, contrariwise, will this revision be a complete uprooting, i.e., looking only to substitute new and different norms in place of the public laws which presently obtain. On the other hand, the revision of canon law in relation to the laws now in existence will have as its objective to remove whatever is considered to be needless and outdated; to reduce to new laws whatever now is desirable; to set up the whole complex of norms in a new form which by its greater cohesion will bring about a total enrichment; and, finally, to render the genuine and true nature of canon law and its function more perceptible and more easily recognizable.

This is the path the Commission We established is gladly following. What has already been effected is not to be considered of little consequence or moment. The research groups have already drawn up many skeletal forms or "schemata" of canons – that is, about six hundred – which will be presented to the cardinals for consideration, after which they will be sent to the bishops. The commission of cardinals will soon meet to decide on the orderly and apt arrangement of the new code. However, a great deal of work still remains to be done. Therefore, distinguished and dearly loved sons, We beg you not to desist from contributing your outstanding work to this arduous and serious undertaking. Your labors and studies, the fruits of very fine research, will provide outstanding help to the Church which at this time, in revising her laws, has no other intent than by those same laws to confirm and safeguard that new and genuine drive to renewal of Christian living which the Second Vatican Council desired and promoted.

3. Nevertheless, We must add that the excellent benefits of the revised canon law will be seen only at that time and only to the extent that the laws of the Church are truly implanted in the living and in the union of the People of God. If this is not the result, if the Church's laws, although accurately drawn up and well ordered are

ignored in mankind's daily practice, or if they are disputed or cast aside, then, sad to say, they would turn out to be useless, worthless, and devoid of salutary effectiveness. As a result, the drive to renewal, unless it be sustained by the application to which the laws are directed, will grow weak or, perhaps, become lax and evanesce; it will certainly become less genuine and definite. And on this point, grounds for doubt and anxiety are not lacking. As is well known, there exists today a widespread attitude whereby, after the manner of the skeptic, it is distrustful of or rejects canon law and everything which, as it were, represents or in any way derives authority from it; and so this attitude bypasses or even despises all such things. This attitude is manifested in many ways. To recall one: the at-times overly extolling,, even in social gatherings, and often the exclusive tribute to the charismatic character of the Church or of those who believe that they themselves can claim it for themselves. To recall another: the quite immoderate claim by some that the human individual has the right to act as he chooses. This claim leads to the conclusion that any kind of outside influence and any kind of authority bond, even if legitimate, are denied.

Therefore, to correct this kind of deformity, to rout out such prejudices, and to remove such mental aberrations, it is absolutely necessary to set forth the genuine nature of canon law and Church statutes and to present them in a crystally clear manner. From this arises the need — so urgent as not to admit of any delay — of promoting the study of canon law. The whole Church, to be sure, is obligated to this clear and definite task which cannot be shirked. The same obligation must be assumed by every level of Christian training and formation and by every grade of the "ecclesial" society. But very especially does this obligation belong to those who are, as it were, the key agencies in the assistance program which is available to the Church to attain its own special mission: We mean ecclesiastical universities, faculties and institutes of canon law. Steps must certainly be taken that young people, especially priests but also lay persons, whose number increases daily and who come from every corner of the world, be recruited and called to these facilities. Steps must also be taken that the technical and teaching devices be increased and perfected so that professors can more effectively carry out their assignment. Many of you here present are now pursuing higher studies in law at faculties of sacred theology and at universities. Such studies well become houses of learning. Wherefore, your labor which, as We said earlier, is already outstanding in its research and contributes very much to the drawing up and ordering of the

code of canon law, will be more useful and more valuable if it is joined with the task of teaching and making known the science of law. This service is of great importance and influence. If you will perform it, you will thereby assist the Church and enrich her with abundant fruit.

We wish, therefore, to urge Our praise and exhortation which We are pleased to address to you, by citing the words of that outstanding and most humane master of law, Ivo of Chartres: "Whoever, then, as an ecclesiastical scholar, interprets and moderates Church regulations in such wise that he refers all he teaches and explains to the kingdom of charity does not sin and does not err, since, in looking to the salvation of his neighbor, he is striving to attain the real purpose of sacred studies."2 By attending your classes, reading your writings, and learning from the harmonisation of effective manner and method in your teaching, the young will acquire the genuine meaning and knowledge of law and will have their judgments and aims thoroughly based on a very sound study program. They will be able to bring the People of God to a broader acquaintance with the laws of the Church and provide that the true purpose and function of the laws can be perceived and that the laws themselves be more and more respected and be accepted with confidence and joy. You must also manifest special interest in those who will be called upon to pursue and carry on the task of teaching law with you or who will one day undertake serious responsibilites and governing positions in the Church.

Continue, then, Our beloved and learned and studious sons, to follow through on your work with constancy, courage and vigor. The highest service of the Church demands this of you. Moreoever, in today's circumstances, the Church is hard pressed by this rather disturbing work of renewal.

Our sincere praise, Our fatherly exhortation, and Our ardent wishes We wish to confirm with the apostolic blessing which We affectionately impart to all of you here present as a pledge of heavenly graces.

AAS 60-337, Paul VI, Allocution, 25 May, 1968.

Canon Law: Role in the Church (Paul VI, 13 Dec., 1972) AAS 64-780.

Pope Paul VI delivered this address to those attending the second renewal course in canon law at the Gregorian University in Rome.

We take pleasure in extending cordial greeting to you who have assembled in this city to attend the second "course on canonical renewal for judges and other tribunal officials" which was expertly drawn up by Our Gregorian University. We see that this undertaking has made good progress as your very presence testifies, for there are among you vicars general, judges, defenders of the bond, advocates and others attached to regional tribunals and, indeed, from Europe, America and Africa.

This supplies grounds for joy and fine hope and We pray that from the seeds sown here most abundant fruits may derive for the benefit of the particular Churches in which you discharge the assignments entrusted to you.

You wished to come to this Apostolic See for the sake of visiting Us to whom Christ the Lord has committed the supreme teaching office and, as a result, the main task of passing and safeguarding laws. This provides Us with the opportunity to consider briefly the force and importance of canon Law, for, as you well know, it is often called into question in very recent times. Must it be done away with? Certainly there arc some who go so far as to wish that the Church not make use of this kind of institution.

Again, there are others who disparage it, spurn it, neglect it, even think it harmful. These errors originate from false notions which arc disseminated by certain persons regarding the doctrine of the Church as though the Church were merely charismatic and, as a result, must not be constrained by chains of law, as they put it. To yet others that excessive "legalism," as they describe it, seems to be so preponderant that the spiritual side of the Church is weakened; and because of this, they attack the law itself. Others, finally, extolling charity, affirm that laws cannot be harmonized with it, as though justice, which is founded on law, were not itself a virtue which is conjoined with charity and which must be actively cultivated.

You clearly understand that all these notions are completely foreign to the truth and subert the foundation of the ecclesiastical structure. It is good to repeat the statement taken from the teaching of Vatican Council 11: "Christ, the one and only mediator, established His Church, a holy community of faith, hope and charity, as a visible structure on this earth.. . . This Church, constituted and organized as a society in this world, subsists in the Catholic Church which is

governed by the successor of Peter and the bishops in communion with him . . Therefore, since the Church is a visible society, it must have the power and the duty to make laws and to see to it that they are obeyed. In turn, the members of the Church are bound by an obligation in conscience to comply with these laws. In this way both groups, authorities and faithful, render service to God and His Church. This law, to be sure, is the natural foundation of this visible society by which its correct methodical arrangement is constituted and without which disturbance, confusion, arbitrary forms of behavior creep in.

Canon law, however, is the law of a society which is indeed visible but supernatural and which is built by the word and the sacraments and has as its aim to lead mankind to eternal salvation.

The founder himself, the Lord Jesus Christ, willed that the said Church be thus ordered and structured. This is clear from His words, such as from those He addressed to the apostles: "Amen I say to you, whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed also in heaven";2 or "All power in heaven and on earth has been given to me. Go, therefore, and make disciples of all nations . . . teaching them to observe all that I have commanded you."3

St. Paul in his first epistle to the Corinthians has, under the inspiration of the Holy Spirit, composed a real treatise on this topic.4

From these considerations it follows that the juridical organization and structure of the Church pertain to revelation and, as a reult, can in nowise be abolished, and that the teaching of canon law is a discipline associated with theology by a solid bond.

Furthermore, it is well known that the apostles exercised canon law in true fashion. It is enough to recall the Apostle of the Gentiles who passed judgment on a certain person disgraced by a very serious crime and punished him,5 and who wished matters and contentions to be expedited among the faithful themselves, that is, "the saints."6

Wherefore, it is clear from both revelation and the practice of law which is observed among the apostles, that canon law is a sacred law, altogether distinct from civil law. It is, to be sure, a law of a special

1 *Dog. Const. on the Church,* n. 8
2 *Mt.* 18.18.
3 Mt. 28:18-20.
4 Cf. also *I Thess,* 5:12-13.
5 Cf. *1 Cor.* 5:3-5.
6 Cf. *1 Cor.* 6:1.

kind-hierarchical—and that by the very will of Christ. It is totally-woven into the salvific action whereby the Church continues the work of redemption. Since this is so, the juridical insitutes of civil society cannot be transferred to the Church without risk.

Finally, who is ignorant of the enormous work of tradition which has brought it about that through the course of centuries a certain wonderful monument has been erected-We mean the collection of laws by which the Church, as a provident mother, has striven to look to the good of the faithful in relation to the needs of the times?

Reverently, therefore, we contemplate that, as it were, edifice of organization, based on laws, whereby this society which is visible and at the same time spiritual, is ruled. On the other hand, canon law must become an efficacious and vital instrument. Consequently, let us fix deep in our minds the exhortation of Vatican Council II. "in the explanation of canon law . . . the mystery of the Church should be kept in mind."7 Therefore, there is need of a renewed spirit in the teaching of canon law and-this also should be added-in its reduction to practice so that activity of that kind may never lack the pastoral vigor by which the People of God may be served.

But if, because of human frailty, something less than right has been done in the framing and the application of the laws, let us try humbly and gladly to correct it. By all means let us endeavor that charism and law, both of which come from the one, supreme source which is God, not oppose one another but that under the impulse of the first and the protection of the second, the Christian family may advance on its earthly pilgrimage and be able to attain the goal set for it, eternal beatitude.

There are the things We wished to say to you, students and experts in canon law, in defense of canon law itself. Finally, as We ask God to be propitious to you with the light and strength of His grace, We impart, in the Lord, to each one of you here present, and also expressly to your professors, the apostolic blessing as a testimony of Our kind regard.

AAS 64-780; Paul VI, allocution, 13 Dec., 1972.

Canon Law: Paul VI, allocution stressing pastoral purpose of, to participants in course on canonical renewal at Gregorian University, 13 Dec., 1971 (AAS 64-23).

International Congress of Canonists: Paul VI, allocution to, in which he takes up some new elements in canon law from theology and scripture, 20 Jan., 1970 (AAS 62-106); Eng. version in *T.P.S.,* 15 (1970),70-74.

7 Deer, *on Priestly Form.,* n. 16.

Revision of the Code: Constitutional form: symposium study of possibility of, in B'e, *the People of God,* cd. by James Coriden (Huntington, Ind.: Our Sunday Visitor Press, 1967); problems regarding, in *The Jurist,* 29 (1969), 29-56 (Orsy).

Membership of commission for, alphabetical list of official consultors, and listing of committees (1 3) with their membership, reported in *Communicationes,* 1 (1969), 7-34; new members (19 Sept., 1969) listed on p. 123.

Reports on, in new (1969) periodical, *Communicationes,* published in Rome by the Commission (Via dcll'Erba, 1,00193 Rome, Italy).

Lex Fundamentalis: report by special committee of Canon Law Society of America, 24 May, 1971, in *Proceedings of 33rd Annual Convention of C.L.S.A.,* pp. 65-77. also reported in *Cath. Mind,* 69 (Sept. 1971), 53-64. Canonical symposium on, at Munich, 1971, reported in *Archiv. K. K.,* 140 (1971),4O7-5O6; *Periodica,* 60 (1971),51 1-547 (Bcrtams). Commentary on, in *Ephem. I.* C„ 27 (197D.273-295 (Gutierrez).

CANON 38

Celibacy Dispensation: Rescript is always executory. *See* c. 214; S. C. Doct. Fid., 26 June, 1972, η. IV.

CANON 66

Faculties of Pontifical Institutes of Relgious Women in Mission Territories (S. C. Gent. Evang., 7 Sept., 1967) Private.

This S. C. of the Propaganda has received various requests from institutes of religious women requesting power to benefit from the faculties granted by the S. C. for Religious in its decree, *Religionum laicaliutn,'* dated 31 May, 1966.

In this regard I am happy to inform you that this S. C. of the Propaganda, after mature examination and with a view to facilitate the internal government of institutes of religious women which depend upon it, has decided the following:

1. *I be following faculties are granted to Major Superiors of Congregations of women of pontifical law.*

1) With the consent of their council, to dispense postulants from the impediment of illegitimacy provided that they be not born of a sacrilegious or adulterous union.

2) For a just cause and with the consent of their council, to allow the property of their institute to be alienated, offered as security,

[1] Reported in *Canon Lau Digest,* 6. pp. 153-156.

mortgaged, loaned, or perpetually leased;[2] to authorize moral persons of their congregation to contract debts up to the amount determined by the National or Regional Conference of Bishops and approved by the Holy See.

3) To obtain a dispensation from temporary vows for their subjects who request it, from the local Ordinary of the house to which the petitioner is assigned.

4) With the consent of their council, to permit their subjects to be absent, for a just cause but not beyond one year, from a religious house. If this permission is given because of ill health, it can be granted for as long as the need perdures. If it is given in view of an apostolic assignment, it can be granted, for a just cause, for more than one year on condition that the apostolic work correspond to the purposes of the institute and that the norms of both common and particular law arc observed.

With the consent of their council, Superiors General can subdelegate this faculty to other major superiors who can use it only with the consent of their own council.

5) With the consent of their council, for a just cause, and in accord with the norms of prudence, to authorize their perpetually professed members of simple vows who request it, to renounce their patrimonial property.

With the consent of their council, Superiors General can subdelegate this faculty to other major superiors who can use it only with the consent of their own council.

6) To authorize their subjects to change their will.

With the consent of their council, Superiors General can subdelegatc this faculty to other major superiors of their institute.

7) With the consent of their council, to transfer, either perpetually or temporarily, the novitiate which has already been erected according to law, to another house of the institute, after having given notice to the Ordinary of the place where the house is located and with observance of the presciptions of law.

8) With the consent of their council and after having conferred

[2] *translators note: Emphyteusi redimi,* i.c., to enter a contract of emphyteusis. this type of contract is unknown in Anglo-American law. Its closest parallel in American law is a ninety-ninc-year lease. The redemption of the rental is almost equivalent to the exercise by the lessee of an option of purchase which, upon payment of a lump sum, transfers to him the full legal title and relieves him of the obligation of further annual payments of rental. (Cf. *Canon Law Digest,* 1, pp. 732-733).

with the local Ordinary, to confirm local superiors for a third term of three years.

II. *Declaration as regards extension, use of these faculties, and the persons concerned.*

1. These faculties appertain to institutes of religious women of pontifical law.

2. The titleholder of these faculties is the person of the Superior General or the person who, in defect of her, takes over the government by virtue of approved constitutions.

3. If the Superior General is impeded in the discharge of her office, she can subdelegate these faculties, totally or partially, to a member of her institute who replaces her and who can, as a result, personally use them or subdelegate them to others for an individual case within the limitations and according to the terms herein set down.

4. These faculties go into effect immediately and do not require a formula of execution.

(Private); S. C. Gent. Evang., Faculties, 7 Sept., 1967, Prot. N.3830/67; reported with brief annotations (Gorricho) in *Coni, pro Relig.,* 49 (1968), 263.

Quinquennial Faculties of Local Ordinaries (S. C. Episc., 1 Jan., 1968) Private.

Following is the latest "List of Quinquennial Faculties Granted to Local Ordinaries" which consists of three sections as follows.

I

Front the S. Congregation for the Clergy

To transfer Mass obligations to days, churches or altars different from those set down in foundations provided that there is real need, that divine worship is not thereby lessened, and that nothing prejudicial to the convenience of the people is introduced. Excepted from this, however, arc legacies which in certain places can be readily implemented by an increase of the offering. Also care must be taken that each year the diocesan curia be informed by each celebrant of the satisfaction of the transferred Masses.

II

From the S. Congregation for Religious and Secular Institutes

1. In favor of institutes of diocesan law:

λ) At the request of the Superior General with the consent of his General Council, to grant to members professed of simple vows and so requesting, the faculty to surrender their patrimonial property for a just reason and with observance of the norms of prudence.

/;) Likewise at the request of the Superior General, to grant that a religious may change his last will and testament.

c) At the request of the Superior General, to confirm a local superior for a third term of three years.

2. To confirm for a third term of three years the superioress of a monastery of nuns which is subject to the diocesan bishop if the superioress has been postulated according to law.

3. After having obtained the opinion of the superioress, to dispense from their temporary vows religious women belonging to a monastery which is subject to the diocesan bishop, and requesting dispensation.

Ill

From the S. Congregation of Rites

1. To depute priests – if possible, such as hold some ecclesiastical dignity – to consecrate fixed immovable altars, observing the rite and form in the revised *Roman Pontifical.*

2. To bless the holy oils on Holy Thursday with such a number of priests and sacred ministers as, in view of the place and of circumstances, can be found.

3. That a requiem Mass of the fourth class, i.e., the daily formula, may be celebrated once a week by the Ordinary in his own chapel, provided that a liturgical day of the I or II class does not occur and with the exception of the whole of the seasons of Advent and Lent.

(Private); S. C. Episc., faculties, 1 Jan., 1968; reported in *Com. pro Rel.,* 51 (1970),179-180; Ochoa: *Leges Eccles.,* v. 3, n. 3619.

Communicarion of Faculties (Regional Conference of North India. 1969) Private.

Faculties granted by the Ordinaries of the Regional Conference of North India to priests belonging to the same region, and licitly re-

siding "ad tempus" outside their diocese, exarchate or prefecture;

I. The undersigned local Ordinaries agree that *up to tbe 31st December, 1970,* any priest residing and having obtained jurisdiction in any diocese, exarchate or prefecture within the territorial limits of the *Regional Conference of North India,* may exercise in their diocese, exarchate or prefecture *for a period of three months,* each time from the day of his entry in that diocese, exarchate or prefecture, *tbe faculties enumerated in section II.*

II. The *Communication of Faculties* is restricted to the following:

1. to preach at the invitation or with the consent of the local priest in charge or of the religious superior;

2. to hear confessions — not, however, of religious women; [if, however, the priest is giving the retreat to the sisters, he can hear the confessions of all who stay at the convent, during the retreat and also on the day which precedes and follows the retreat];

3. to absolve from excommunications reserved by the Holy Sec, except those reserved 'specialissimo modo,' and the excommunication incurred for sending Catholic children to be educated as non-Catholics; – to dispense from irregularities according to can. 990,

4. the faculties subdelegatcd in accordance with the Decennial Faculties:

n. 40: dispensation or commutation of reserved private vows·,

n. 41: blessing of rosaries, medals and crucifixes, with a simple sign of the Cross;

5. the personal faculties regarding the celebration of Mass, and subdclegation of jurisdiction for one's own confession.

III. These Faculties can be exercised subject to the following *conditions:*

1. the priest should have faculties for the hearing of confessions in his respective diocese, exarchate or prefecture, which belongs to the Region *(for validity)·,*

2. he should have the consent of his Ordinary [local or religious] to leave his ecclesiastical territory *(for liceity),* [cf. Celebret];

3. he should, whenever it is possible, use the customary courtesy in the place he is visiting, by calling on the local priest in charge, saying Mass in places approved by the local priest, and informing him when confessions are heard within the territory subject to his jurisdiction *(for liceity)·.*

4. the visiting priest should observe: – the local directives in matters pertaining to the Liturgy·, — the rules and practices concerning the clerical dress, cinema shows, etc.; — and the norms affecting the discipline of religious and faithful.

(Private); Regional conference of North India, Faculties, 1969; reported without specific date of grant in *Clergy Monthly,* 33 (1969), 179. Brief annotations (De Cuyper) on pp. 180-181.

Religionum Laicalium: Faculty 3 Enlarged (S. C. Rel. et S. I., 27 Nov.,1969) AAS 61-738.

Following is the "Decree on the delegated faculty of Superiors General of Lay Religious Institutes to grant secularization to their members under temporary vows."

Since superiors general of lay religious institutes have proposed some difficulties regarding the use of faculty n. 3 of the decree, *Religionum Laicalium,*[1] of 31 May, 1966, for the secularization of religious members under temporary vows, The Sacred Congregation for Religious and Secular Institutes, after having sought the opinion of superiors and superioresses general, took pains to have the question examined in the plenary session recently held on the 8th and 9th of October.

The reverend Fathers decided that members who are bound by temporary vows in lay institutes of men or of women and who freely request it, can be changed to the status of a secular with the vows being dissolved by that very fact.

The Supreme Pontiff, in the audience granted to the undersigned Cardinal Prefect of 13 November, 1969, approved the decision of the plenary Congregation and ordered that it become part of public law.

Therefore, by virtue of this decree, superiors general of lay religious institutes of men and of women are given the faculty to change, with the consent of their own council, to the status of a secular members who arc professed of temporary vows and who request this change. In such a case, the temporary vows cease by that very fact.

All things to the contrary notwithstanding.

Given at Rome, the 27th day of November, 1969.

AAS 61-738; S. C. Rel. et S. I., Decree, 27 Nov., 1969. Annotations in *Com. pro Rel.,* 51 (1970), 6-19 (Gutierrez).

[1] Reported in *Canon Law Digest,* 6, pp. 153-156.

Decennial Faculties for Latin America and the Philippine Islands: Latest Formula (S. C. Episc., 6 Dec., 1969) AAS 62-120.

Just as the Roman Pontiffs have been especially solicitous for the prosperity of the universal Church, so also have they been for the benefit of the particular churches. They have diligently provided that the list of privileges and faculties for bishops should be set forth in better form so that they can discharge their pastoral duties more efficiently and expeditiously.

Led on by this sort of reasoning, Leo XIII, of happy memory, already granted in 1897 to the local Ordinaries of Latin America special privileges and favors for the benefit of both the priests and the faithful. These faculties were drawn up into a catalog, extended to the Philippine Islands, and have been graciously continued by his successors in the chair of Peter down to the end of 1969.[1]

Since, however, as this year draws to its end, the above-mentioned local Ordinaries requested that, since the previous circumstances still obtain, the said privileges should be again continued, the Supreme Pontiff, Paul VI, after having consulted the eminent Fathers in charge of the departments of the Roman Curia in as far as the matters and cases pertained to each one, and with the advice of the undersigned cardinal prefect of the Sacred Congregation for Bishops, has decided to accede to the proffered request.

Whenever some priviliges contained in the earlier catalog have been conferred on all diocesan bishops by the *motu proprio* apostolic letters *Pastorale munus* and *De Episcoporum muneribus,*[2] they have been appropriately reported here so that other local Ordinaries who do not possess the episcopal character may enjoy them.

Wherefore, by this decree, the said Supreme Pontiff confirms and bestows, until the 31st day of December of the year 1979, the faculties and favors listed below on all and each of the local Ordinaries, priests and members of the faithful of the dioceses and jurisdictions of Latin America and the Philippine Islands.

1. Local Ordinaries, with the exclusion of a vicar general without a special mandate, can depute priests to administer the sacrament of confirmation, if possible those invested with some ecclesiastical dignity or functioning as vicars forane but never simple priests living in the places where the said sacrament is to be administered. To be

[1] Reported in *Canon Law Digest,* 5. pp. 172-176.

[2] Both documents reported in *Canon Law Digest, 6* pp. 370-378 and 394-400 respectively.

observed is the instruction of the Sacred Congregation of the Sacraments for a simple priest who administers the sacrament of confirmation in virtue of delegation by the Holy See.[34]

N.B. Declaration: *In virtue of this concession, the faculty to administer the sacrament of confirmation also belongs to vicars capitular and to apostolic administrators, even if they lack the episcopal character.*

2. The same Ordinaries can delegate to assist at marriages according to the form required by law, priests who go to places far from the seat of the parish on missions to evangelize the faithful or to do any other pious work, as long as those same missions continue, and observing those things which, as far as the case permits and the conditions of place and time permit to be observed, should be done before the marriage according to canon 1019 and the following canons of the Code of Canon Law. Express mention, however, is to be made of this apostolic induit in every case, and the prescriptions of the sacred canons regarding the rights of pastors and the recording to be made in the parish registers are always to be observed.

3. Local Ordinaries can likewise dispense from only those matrimonial impediments which are mentioned in the apostolic letter, *De Episcoporum muneribus,* issued *motu proprio* on 30 July, 1966, and in conjunction with the apostolic letter, *Pastorale munus,* of 30 November, 1963. Excepted, however, are the impediments of mixed religion and disparity of cult, unless special faculties have been obtained from the Sacred Congregation for the Doctrine of the Faith.

Moreover, they are given permission to decree and to declare legitimate the offspring of persons about to marry, provided that such offspring was not conceived in adultery. Express mention, however, must be made in every case, also in granting dispensations, of this apostolic induit.

4. It is likewise allowed to use old sacred oils but not more that two years old, provided that they are incorrupt and that it is impossible, after having exercised all diligence, to obtain new or more recent sacred oils.

5. Local Ordinaries can permit priests to celebrate outside a sacred place but only for the benefit of the faithful and provided that the place of celebration is fitting and decent (cf. *Pastorale munus.* n. 7 and *General Instruction on the Roman Missalf*

3A/1S 17-11 ; reported in *Canon Law Digest, 2,* pp. 185-188.
4Scc below under canon 818, decree of S. C. Rit., 6 April, 1969.

6. Local Ordinaries can grant to priests the faculty of celebrating the holy sacrifice of the Mass on board ship but only during the time of the voyage and provided that the place where the Mass is to be offered is in no way improper or unbecoming, that the sea or stream be so quiet that there is no danger of spilling the Precious Blood from the chalice, and that another priest, if one is available, vested in a surplice, assist the celebrant.

7. It is permitted to all the faithful of Latin America, however, to fulfill the precept of annual paschal Communion from the feast of the Presentation of our Lord to the 16th day of July, the commemoration of Our Lady of Mount Carmel.

All things to the contrary notwithstanding, even those deserving of special mention.

Given at Rome, from the offices of the Sacred Congregation for Bishops, the 6th day of December in the year 1969.

AAS 62-120; S. C. Episc., decree, 6 Dec., 1969.

Faculties Granted to Religious Institutes (S. C. Rel. et S. L, 4 June, 1970) AAS 62-549.

The Sacred Congregation for Religious and for Secular Institutes issued the following "decree whereby some faculties are granted to religious institutes."

In order to institute experiments in accord with the *motu proprio, Ecclesiae Sanctae,*[1] the Sacred Congregation for Religious and for Secular Institutes is frequently asked to grant dispensations from the common law.

Since, however, the reasons for these petitions arc common and equally corresponding to all institutes as a class, the Sacred Congregation in its ordinary session on 24 April, 1970, thought it appropriate to suspend or change some canons.

After having duly considered all aspects, the Fathers in the afore said session believed the following should be established.

1. It will belong to each religious institute of pontifical law, in accord with the norms of its particular law, to unite already existing provinces or otherwise modify their boundaries, to establish new provinces or to suppress existing provinces, but with the continuing obligation to have recourse to the Holy See for the initial division into provinces or for the total suppression of provinces (cf. can. 494,

[1] Reported in full in *Canon Law Digest,* 6, pp. 264-298.

§1). The general chapter should establish norms to be observed m the erection and modification of provinces and these norms must be inserted into the constitutions.

2. Suspended is the obligation to request the approval of the Apostolic Sec to erect an exempt religious house or to suppress it in virtue of canons 497, § 1 and 498, with the exception, however, of independent *(sui iuris)* monasteries of nuns and without prejudice to those matters which according to law belong to the competence of local Ordinaries (cf. can. 497, §1 and *motu proprio, Ecclesiae Sanctae,* I, 34, § 1).

3. Without prejudice to the constitutions proper to each institute which require a maturer age or other more stringent conditions, those are not validly eligible *(inhabiles)* for the office of superior general who have not been perpetually professed in the said institute and have not completed their thirty-fifth year. For all other major superiors (cf. can. 488, 8°), in addition to perpetual profession, thirty years of age suffice. On the other hand, for other offices, the particular law of the institute can determine the requisite age in such wise, however, that for the director of novices the age of at least thirty years be required.

4. Suspended is the norm whereby testimonial letters for male aspirants must be sought in accord with canons 544. § 2 and 545, but always there remains the obligation, which arises from the nature of the matter, to seek all useful information regarding candidates who are to be admitted.

5. To the particular ordinations of each institute is left the determination of the amount of time for retreat before the candidates begin their novitiate or the novices pronounce their temporary vows, which matters are treated of in canons 541 and 571. § 3. However, this is on condition that a minimum of five full days be stipulated and that the retreat be made in a suitable and appropriate manner.

6. The obligation to draw up a will which is presently set down in can. 569, § 3 for novices in a religious congregation before they make profession of temporary vows, may be transferred to the time which immediately precedes perpetual vows.

7. I'he obligation requiring the canonical examination mentioned in can. 552 is suspended.

8. I'he prescription of canon 607 whereby superioresses and local Ordinaries must seriously look out that religious women, apart from a case of necessity, do not go out singly from the house, is suspended but without prejudice, however, to the responsibility to take care that troubles do not arise therefrom.

The Supreme Pontiff, Pope Paul VI, in the audience granted to the undersigned cardinal prefect on 1 June, 1970, deigned to approve the decisions of the ordinary session.

Wherefore, the Sacred Congregation for Religious and for Secular Institutes, by virtue of the present decree, has decreed that the aforesaid deliberations become part of public law.

Moreoever, these decrees go into effect immediately and do not require a so-called executive formula.

The present provisions will be valid until the revised Code of Canon Law takes effect. All things to the contrary notwithstanding.

Given at Rome, the 4th day of June, 1970.

AAS 62-549; S. C. Rd. et S. I., decree, 4 June, 1970; in its original form this document carried the Prot. N. Sp. R. 13/70. Annotations in *Cotn. pro Rel.,* 52 (1971), 121-146,211-222 (Ochoa).

Dccenial Faculties for Mission Countries (S. C. Gent. Evang., 1971) Private.

Following is the latest "formula of decennial faculties given to local Ordinaries in mission territories." It differs in many ways from the inmediately preceding formula of such faculties.*

1. To grant to some priests the faculty to administer the sacrament of confirmation when, however, any bishop whatever is absent or resides at a distance or is impeded. The rite contained in the *Roman Ritual* is to be observed.[1]

2. To grant to priests who administer baptism to adults the faculty to confirm them when the bishop is absent and before the adults are admitted to the Holy Eucharist. /Mt

3. To confer on priests the faculty to consecrate chalices and patens according to the form prescribed in the *Roman Ritual.*

4. To permit the celebration of Mass with any kind of light; as well as to permit the celebration of Mass without lights in a case of necessity.

•Reported in *Canon Law Digest,* 5, pp. 176-186;.see also pp. 187-190.

*Cf. S. C. Prop. Fid., *Decree on the administration of confirmation to those who arc constituted in danger of death,* AAS, 40 (1948),41-reported in *Canon Law Digest,* 3, p. 314; *Const, on Sac. Lit.,* n. 71 : "... it is fitting that the renewal of the baptismal promises should precede the reception of confirmation. Confirmation may be given in the Mass when convenient."—*Canon Law Digest, 6,* p. 52.

5. To allow that for a just reason sacred vestments of any liturgical color may be used in the celebration of the Holy Sacrifice and in other liturgical celebrations.

6. To allow priests to celebrate Mass three times, also on ferial days, if true pastoral necessity demands it.

7. To permit that for the benefit of the faithful three Masses may be celebrated immediately after midnight on Christmas, with caution, however, that all be done with due preparation and reverence.

8. To permit the celebration of the functions of Thursday and Friday of Holy Week as well as of the Easter vigil twice at an afternoon hour set by the prudent judgment of the Ordinary, also in places where Mass is customarily celebrated for the faithful.

9. To allow that the Sunday Mass may be celebrated on week days during the whole span of the year provided that a solemnity does not occur.

10.I o permit that for a just reason the Blessed Sacrament may be exposed with two lights of any kind.

11.Io permit that in places where there is absolutely no material suited for fueling lamps, the Blessed Sacrament may be reserved even without a light.

12. To permit, if there is danger of irreverence or sacrilege, that the Blessed Sacrament may be kept, even without a light, in a place which is not sacred but is safe and becoming.

13. To permit that the Blessed Sacrament may be reserved according to canon 1265 even if a priest celebrated Mass only twice a month in the sacred place.

14. To anticipate or to prolong, as the good of the faithful so demands, the time available for the annual Communion which is called Paschal.

15. To dispense, for a just and reasonable cause and with consideration had of the gravity of the impediment, from all matrimonial impediments of ecclesiastical law with the exception of the impediments arising from the sacred order of the priesthood, from affinity in the direct line when the marriage has been consummated, and from defect of age which exceeds two years *(Can be subdelegated).*

In granting a dispensation from the impediments of mixed religion or of disparity of cult, the apostolic letter, *Matrimonia mixta,* issued *motu proprio* on 31 March, 1970? a is to be observed.

[1] â Reported below in this volume under canon 1061.

16. To grant a radical sanation, provided that consent perdures, of marriages which were invalidly contracted because of some impediment mentioned above (n. 15) or because of defect of form or because it was attempted in civil form. As regards the legitimation of offspring, the Ordinary should keep in view canons 1051, 1 138 *{Can be subdelegated).*

The faculty to grant a radical sanation does not extend to cases in which insanity has come upon one or both of the parties. In each such case recourse must be had to the Holy Sec.

17. To dispense from the interpellation of the spouse who has been left in infidelity if it is proved with certainty, at least by a summary and extrajudicial process, that the interpellation cannot be made without evident risk of inflicting serious harm either on the spouse who has already been converted to the faith (even though not yet baptized) or on Christians *{Can be subdelegated).*

18. For a serious reason, to permit infidels having several wives that, after baptism, without any interpellation of the first wife, they may retain the one they prefer if she herself is baptized but matrimonial consent must be renewed.

19. To grant to priests or deacons, even in dioceses, general delegation to assist at the celebration of marriage, with the observance of those matters which must precede the celebration of marriage in accord with canon 1019 and the following, insofar as the case warrants and the conditions of time and place allow observance. All this is always without prejudice to the prescriptions of the sacred canons both as regards the observance of the rights of the pastor and as regards the notation to be made in the parish registers.

20. To reduce, because of a dearth of officers, the number of officials in the tribunal of first instance in such wise that the tribunal is constituted of three officials, namely, a sole judge, a defender of rhe bond, and a notary.

21. To permit the erection of a religious house in his own territory provided that for a monastery of nuns the approval of the Apostolic See in accord with canon 497, §1 shall have been obtained.

22. To confirm for a third three-year term the superioress who has

2 In every case Ordinaries should keep in view the moral, social and economic situation of the first wife and should take care that sufficient provision be made for her needs in accordance with the norms of justice, Christian charity, and natural equity. П

been legitimately postulated by a monastery of nuns which is subject to the diocesan bishop.

23. To dispense—with the prior vote of the superioress—religious women of a monastery subject to the diocesan bishop from rhe bond of temporary vows if they request it.

24. To absolve, according to canon 2250, §3, from all censures which are simply or specially reserved to the Roman Pontiff *(Can be subdelegated).*

25. To dispense or to commute, for a just cause, private vows which are reserved to the Apostolic See and which are mentioned in canon 1309 *(Can be subdelegated).*

26. To erect with a single formula of blessing the stations of the Way of the Cross together with a plenary indulgence to be gained by anyone who makes this pious exercise. Likewise, to grant to priests the faculty to erect the same but with observance of the rites prescribed by the Church.

27. To erect even those confraternités approved by the Holy See for whose establishment the right is by privilege reserved to others (can. 686, §2) and to enroll the faithful therein.

28. To grant to priests the faculty to enroll the faithful in all confraternities and to impose all scapulars approved by the zXpostolic See without the need of inscribing the names.

29. To permit clerics and religious to practice medicine and surgery for the sake of charity provided that they are truly skilled in these professions and that in caring for the sick they carefully avoid everything that is unbecoming to a cleric or a religious, or that could cause scandal, and that they ask nothing for the professional senice itself.

30. To dispense the faithful so that they may do servile work on Sundays and feast days of obligation with the exception of Christmas, Easter and Pentecost, but without prejudice to the law of participating in holy Mass *(Can be subdelegated).*

31. To permit in his territory that the faithful on Saturday or on the vigil of a feast of obligation can satisfy the obligation of participating in the subsequent Sunday or feast-of-obligation Mass.

32. To permit that, with observance of the rubrics, the solemnity of feasts which according to canon 1247 are of obligation but have been legitimately abolished, may be transferred to Sunday or even to another day determined by the local Ordinary.

33. For prefects apostolic, to reserve the sacrament of the Holy Eucharist in the chapel of their actual stable residence.

34. For the said prefects apostolic, to use, during their term of office, the insignia and privileges granted to them, even outside their own territory, with the previous consent of the local Ordinary as to the exercise of pontifical functions.

REMARKS

I. The above-mentioned faculties are granted with the legal provision that those only can be subdelegated with are thus explicitly designated by the expression: "Can be subdelegated." On the other hand, he who has obtained subdelcgation from the Ordinary is obliged to make mention of it.

II. The Ordinary, including the Vicar General and Delegate, can use for himself, in the same circumstances, however, the faculties or permissions which, within the limits expressed in the preceding articles, he can grant to others.

III. The Ordinary can make use of the aforesaid faculties and subdelegate them only within the confines of his jurisdiction. He is to exercise the said faculties gratis and without any remuneration (except for the expenses of the chancery and for postage which are to be exacted from those who are able to pay them.).

IV. The aforesaid faculties continue in their force until the Ordinary shall have received new decennial faculties.

V. All the faculties which were granted in the apostolic letter, *Pastorale munus,*[3] of 30 November, 1963, to residential bishops and to others equated with them in the law are granted in the territories dependent upon the Sacred Congregation for the Evangelization of Nations or for the Propagation of the Faith to other local Ordinaries, both interim and vicarious, unless, as regards vicars, the Ordinary personally reserves something to himself.

VI. The Ordinary himself can delegate or subdelcgate all the faculties contained in both the apostolic letter, *Pastorale munus,* and the present formula to episcopal vicars, with the observance of the requirements of the law.

N.B.—Other rescripts which were granted up to the expiration of the general faculties must be sent back to the S. C. for the Evangelization of Nations for renewal.

(Private); S. C. Gent. Evang., faculties, 1971, Prot. N. 1130/71; reported in *Bibliog. Miss.,* 35 (1971), 202-206; *Com. pro ReL,* 52 (1971),270-274. Annotations in *African Eccles. Rev.,* 13 (1971),369-375; *Com. pro Rel.,* 52

3Reported in *Canon Lavi Digest,* 6, pp. 370-378.

(1971),245-266, 334-349; 53 (1972),24-51, 137-161,206-223, 312-342 (Ting Pong Lee); *Bibliog. Miss.,* 36 (1972),264-273 (Zampetti), *Clergy Monthly,* 36 (1972), 119-126 (Timmermans); *Laurentianum,* 12 (1971),289-324 (Anastasius ab Utrecht).

Limit Values for Alienations and Debts in currencies of various nations (Private): nations are here listed if not hitherto reported *(Canon Law Digest,* 6, pp. 156-157) or if a more recent norm has been established.

Austria	2,000,000 schillings
Canada	300,000 dollars
Costa Rica	130,000 colones
El Salvador	40,000 colones
Haiti	10,000 U. S. dollars
Hungary	20,000 U. S. dollars
Mexico	50,000 dollars
Mozambique	700,000 scudi
Netherlands	1,000,000 florins
Peru	1,300,000 gold soles
Spain	10,000,000 pesetas
Yugoslavia	50,000,000 *old* dinars
	500,000 *new* dinars

This information is taken from article in *Monit. Eccles.,* 93 (1968),353-356 (Romita).

Oriental-rite Religious: Faculties for. *See c.* 1; S. C. EccL Or., 27 June, 1972.

CANON 81

Celibacy Dispensation: Canon 81 is not applicable. *See* c. 214; S. C. Doct. Fid., 26 June, 1972, n. III.

BOOK II

PERSONS

Canons 87 - 725

CANON 87

Christian Rights: Proposal for declaration of Christian freedoms drawn up at symposium sponsored by Canon Law Society of America, 5-6 October, 1968-, reported in *Catholic Mind,* 67 (Feb., 1969), 52-58; *The Jurist 29* (1969), 1-9; *The Priest,* 25 (1969), 48-55.

Theologians: statement by, regarding their own freedom, reported in *The Priest,* 25 (1969), 1 12-114.

CANON 108

Clerics: No longer thus classified by First Tonsure or Minor Orders but by reception of the diaconate. *See* c. 973; Paul VI, *motu proprio. Ministeria quaedam,* 15 Aug., 1972, η. I.

CANON 111

Incarnation: Now effected by ordination to diaconate. *See c.* 973; PaulVl, *Ad pascendum,* 15 Aug. 1972, η. IX.

CANON 114

Incarnation: Conferral of benefice without, in Rome. *See* c. 1435; *Motu proprio,* 30 June, 1968, n. 4.

CANON 118

Lay Persons: Jurisdictional position on ecclesiastical tribunal. *See c.* 1573; Sig· Apost., 11 July, 1968.

CANON 124

Clergy: Spiritual life: Synod of Bishops on. *See* c. 329; S. C. Pub.Eccl. Neg., 30 Nov., 1971, Part 2, sect. I, n. 3.

Holiness of life: Preparation for, in seminary, S. C. Inst. Cath., 6 Jan., 1970, sect. VHl (AAS 62-321). *See* c. 1365 for references.

CANON 125

Clergy: Spiritual exercises: Synod of Bishops on. *See* c. 329; S. C. Pub. Eccl. Neg., 30 Nov., 1971, Part 2, sect. I, n. 3.

CANON 126

Retreat Movement: Declaration of the National Consultation for Retreat Preachers at Bangalore, India, 15-25 Sept., 1970, on the relevance of retreat preaching, the retreat preacher, retreats in general, and specifically to laity.

religious, priests, Catholic and non-Christian students, parish missions, collaborators, methods and techniques; reported in *Clergy Monthly* 34 (1970),491-495.

CANON 127

Obedience: Role in seminary program, S. C. Inst. Cath., 6 Jan., 1970, sect. IV nn. 22-26; sect. VIII, n. 49 (AAS 62-321). *See* c.1365 for references.

CANON 129

Continuance of Studies: Provision for, in basic program for priestly training, S. C. Inst. Cath., 6 Jan., 1970, sect. XVII (AAS 62-321). *See* c.1365 for references.

Theological and pastoral, courses after ordination, *See* c. 1357; S. C. Cler., 4 Nov., 1969, nn. 19, 20, 23.

CANON 130

Triennial Examination: Still in force; its nature. *See* c. 1357; S. C. Cler., 4 Nov., 1969,n. 18.

CANON 131

Deanery Conference: Updating of. *See* c. 1357; S. C. Cler., 4 Nov., 1969, n. 21.

CANON 132

Priestly Celibacy (Sec. St., 2 Feb., 1969) Private.

The following letter, written originally in French, was addressed to the presidents of episcopal conferences by the Papal Secretary of State in the name of the Holy Father.

The year which has just elapsed has seen manifestations in various countries of a certain rash of research endeavors, of undertakings and of discussions bearing on the life style of priests, on the exercise of pastoral ministry in the service of today's people, and, at times, even on the nature of the ministerial priesthood.

The Holy Father, who clearly shares in the concerns of his brethren in the episcopacy, has not ceased to be attentive to the various phases of this problem. He has expressed himself on this subject at various renewals, notably in his personal message addressed to the priests of the entire world on the 30th of last June on the occasion of the closing of the Year of Faith[1] where he gave witness of his

[1] AAS 60 (1968), 466; English version in *The Pooe Soeakt* 13 (1968-69),224-228.

confidence and deep affection while inviting them to examine thoroughly, within the realm of faith, the essential dimensions of their priesthood.

While granting the serious questions which are debated and for which the media of mass communication are providing a sounding board which is not always favorable to calm study, the Holy Father has charged me to declare to Your Excellency the high importance which he attaches to the role of the episcopal conferences so that this study may always be pursued in the light of the Church's teachings and in a spirit of close collaboration with the Apostolic See.

In this regard, the decline in esteem of priestly celibacy which is manifested today, involves in a serious and urgent manner the responsibility of all those "whom the Holy Spirit has placed to rule His Church *(Acts* 20:28). Actually they should not allow the total and exclusive sense of the service of God and of His kingdom to be obscured by searching out the law of priestly life in the changes of present-day society. This is why the placing of priestly celibacy in question as it is observed in the Latin Church, urges us to recall its value in conformity with the tradition of this Church and its constant teaching which were reaffirmed by the recent Ecumenical Council and explicated in the encyclical, *Sacerdotalis caelibatus.*[2]

Certainly, the Holy Father is not ignorant of the difficulties which can be encountered in our age by the practice of priestly celibacy. He knows the reasons which are alleged by those who would dissociate the priesthood from celibacy, reasons whose value cannot be realized without submitting them to reflection. He is sensitive to the suffering of those priests who, in circumstances of which God alone is judge, have abandoned the celibacy to which they had pledged themselves as well as of those who are calling into doubt the value of so sacred a pledge. But how could he not be equally sensitive to the uneasiness which is experienced today by so many priests — they are, thank God, the majority — who are firmly convinced of the commanding reasons which have led the supreme magisterium to maintain the obligation of celibacy and who are fearful of the serious consequences for the priesthood which would not fail to follow from the fact of dissociating from it that which they freely accepted as associated with it, that is to say, the total offering of themselves to Christ "in view of the kingdom of heaven" (Aft. 19:12).

It must also be said that, if there is much suffering, if there is real sincerity of purpose, there also is – and one cannot ignore it — a

[2] See *Canon Law Digest.* 6, p. 212: Encyclicals.

very superficial view of this problem, entailing hasty and, at times, flimsy judgments which sometimes even terminate in creating a certain inferiority complex among priests who are deeply attached to their celibacy. Today one finds himself facing a current of opinion which runs the risk of involving in its corps of defense more than one priest, more than one theologian, perhaps even some bishops. In the face of such a situation and, particularly, in the face of this literature which today is abundantly poured out on certain episodes of contention against priestly celibacy, the Holy See asks all of us not to allow ourselves to be too impressed or aroused and, if need be, to put some questions to ourselves in the presence of God, in our soul and conscience.

Have we made ourselves clearly realize what the dissociation between priesthood and celibacy would mean for the Church? Have we truly measured the magnitude of the confusion which would follow therefrom not only in priestly life but also in the life of the entire ccclesial community? Finally, have we reflected upon all the consequences which would follow such a dissociation in all fields for the life of the Church, for her spirituality, and, especially, for her pastoral activity, a pastoral activity which realistically responds to the actual needs of the modern world?

Since the priest's ministry is centered on the promotion of religious values in men's lives, and on the establishment of the kingdom of God here below, in an age when mankind shows itself less attentive to divine realities, it is more necessary than ever before to give it this witness of fidelity and love which certainly should not be reduced to mere respect for a law: the witness of a priest who, in order to be a pastor with Christ and in His name, to be unreservedly at the service of his brethren, hands himself over, whole and entire, to Him who has chosen him, to Him who can and must fill his life.

Deeply attached to this mission which they have received from the Church, our priests, as a group, arc also devoted to the ideal as well as to the wholehearted practice of priestly celibacy. We have the obligation to sustain and to encourage these dispositions in them as well as also to enlighten those who do not share them due to the influence of questionings which engender so baneful an atmosphere of uncertainty. Moreover, many authoritative voices have already made themselves heard and the Holy Father has no doubt that each episcopal conference will express itself on this point just as several of them have already had the heart to do, in a most timely manner, with wisdom, devotion and firmness. The attitude of the episcopal college is, to be sure, of extreme importance. It is taken note of by

al! priests across the face of the earth; it holds the attention of all the faithful, as well also as that of secular society. Thus it acquires the value of a lesson for the entire world and of a witness for history. If we were not to do everything which depends upon us to bring to an end the current campaigns of opinion against priestly celibacy, we would be guilty before God of their dire consequences. It is necessary, then, for the episcopacy to direct all its energies without hesitation, in close union with Peter's successor, to an authentic renewal of the ministerial priesthood, a renewal which will be in full conformity with the orientations initiated by the Ecumenical Council.

In transmitting to you these thoughts of the Holy Father and in asking you to share them with all the members of the episcopal conference of which you are president, I also communicate to you his apostolic blessing which he extends to all his venerable brethren in the episcopate.

Together with my fraternal wishes at the start of the new year. I remain devotedly and respectfully yours in our Lord,

A. G. Card. Cicognani.

(Private); Sec. St., Letter, 2 Feb., 1969, Prot. N. 132/222; reported in *La Doc. Cath.*, 66 (1969). 513-514.

Tradition of Priestly Celibacy Reaffirmed (Paul VI, 2 Feb., 1970) AAS 62-98.

The following letter was addressed by Pope Paul VI to his secretary of state, John Cardinal Villot.

The declarations recently made public in Holland about ecclesiastical celibacy have deeply grieved Us and have raised in Our mind many questions: the reasons for so serious a stand which is contrary to the sacred norm prevailing in the Latin Church; the repercussions among the People of God as a whole and especially among the clergy and the young men who are preparing themselves for the priesthood; the disturbing consequences on the entire Church; the reverberations which it will stir up among all Christians and even among all the other members of the human family.

Faced with these questions, We feel the need to open Our soul to you, Lord Cardinal, who share so closely in the cares of Our apostolic office.

Wc ask Ourself, first of all, with humility and absolute inner sincerity, whether We might not have some responsibility with reference to such unhappy resolutions which are so at variance with Our attitude and, Wc believe, with that of the Church in general.

The Lord is Our witness of the sentiments of esteem, affection and trust which We have always nourished towards such a well-deserving part of the Mystical Body of Christ as that in Holland. And you know well, Lord Cardinal, how deferential and friendly We have been in personal conversations, in epistolary correspondence, in the mediating concern of the offices of this Apostolic See to forestall the declarations at issue.

Such declarations give rise to much uncertainty and uneasiness. Consequently, it is a serious and urgent duty for Us to state Our attitude precisely and very clearly since We are the one to whom Divine Providence, by a mysterious design, has entrusted "the care of all the churches''[1] at this difficult time.

The reasons adduced to justify so radical a change in the Latin Church's age-old rule which has yielded so many fruits of grace, holiness and missionary apostolate, are well known. But We must say with precision and without equivocation that these reasons do not seem convincing to Us. In fact, they seem to disregard a basic and essential consideration which can in no way be forgotten and which is of the supernatural order, that is, they seem to represent a surrender of the genuine concept of the priesthood.

Actually, the only perspective which must be kept in view is that of the gospel mission of which Wc, with faith and in the hope of the kingdom, arc the herald and witness. The bishop and the priest have the mission to proclaim the gospel of grace and truth,[2] to carry the message of salvation to the world, to make it conscious at one and the same time of its sinfulness and its redemption, to invite it to hope, to tear it away from the idols which are always coming back to life, to convert it to Christ the Savior. The gospel values cannot be understood and lived except through faith, prayer, penance, charity, and not without struggle and mortification, and not without, at times, stirring up again world's scorn and contempt, its misunderstanding and even persecution just as Christ and the apostles did. The total gift to Christ goes as far as the folly of the cross.

It is the ever deeper understanding of these considerations, providentially brought to maturity in the course of a history which has

*Cf. *2 Cor.* 11:28.

2Cf.Jn. 1:14.

known so many efforts and so many struggles to affirm the Christian ideal, which has led the Latin Church to making the renunciation of the right to establish one's own family a condition for the admission ot a candidate to the priesthood—a renunciation already spontaneously made by so many servants of the gospel. The above-mentioned considerations are still valid and perhaps more so today than at other times. And we who have been called to follow Jesus, have we perchance become incapable of accepting a law which has been sanctioned by such long experience and of abandoning everything, family and nets, to follow Him and to carry the good news of the Savior?[3] Who will be better able to transmit this liberating message with fulness of grace and power[4] to the men of our day than pastors who knowhow to consecrate themselves irrevocably and unreservedly to the exclusive service of the gospel?

As a result, considering everything before God, before Christ and the Church, and before the world, We feel it Our duty to reaffirm clearly what We have already declared and several times repeated, namely, that the tic between the priesthood and celibacy established for centuries in the Latin Church, constitutes for her an extremely precious and irreplaceable good. It would be extremely rash to undervalue or without hesitation to allow to fall into disuse that tie which has been consecrated by tradition as an incomparable sign of total surrender to the love of Christ,[5] which manifests so splendidly the essential missionary demand for every priestly life in the service of the resurrected and everliving Christ to Whom the priest has consecrated himself in a total availability for the kingdom of God.

There arc priests who, for reasons recognized as valid, have unfortunately come to find it basically impossible to persevere. We know that this pertains to only a small number and that the vast majority wish to remain faithful, with the help of grace, to the sacred obligations they assumed before God and the Church. It is with great sorrow that Wc are brought, after an attentive examination of each individual case, to accede to their insistent requests to be freed from their promises and dispensed from their obligations. Nevertheless, the deep understanding which, in a spirit of fatherly charity, We wish to have for the persons, must not keep Us from deploring an attitude in such little conformity with that w'hich the Church legitimately expects from those who have definitively consecrated themselves to her exclusive service.

3cf. *Mk.* chap. 1.

4Cf. *Acts* 6:8.

sCf.A1/t. 12:29.

The Church, therefore, will continue in the future as in the past to entrust the divine ministry of the word, the faith and the sacraments of grace to those priests only who remain faithful to their obligations.

The said dissent which takes many forms and which manifests itself today in reference to an institution so holy as that of sacred celibacy, makes more imperative Our duty to sustain and to encourage in ever}' way the countless ranks of priests who have remained loyal to their commitments and to whom Our thoughts and blessing go out with very special affection.

As a result, by a decision taken after mature examination, Wc affirm clearly Our duty not to allow the priestly ministry to be exercised by those who, after having set their hand to the plow, have turned back.6

From another aspect, is not this the constant tradition also of the venerable Oriental Churches to which they love to refer relative to this issue?

As for the rest, We hardly dare to think of the incalculable consequences which a different decision would have for the People of God on the spiritual and pastoral level.

While Wc feel it Our duty thus to reaffirm with perfect clarity the law of sacred celibacy. We are not unmindful of a question which has been proposed to Us with insistence by some bishops whose zeal and whose attachment to the venerable tradition of the priesthood in the Latin Church and to the very noteworthy values expressed by it are known to Us as are also their pastoral anxieties in the face of certain very particular necessities of their apostolic ministry. They ask Us if, in a case of extreme shortage of priests and only in regions of like situations, it would not be possible to consider the eventuality of ordaining for the sacred ministry men who arc of advanced age and who have given good witness of family life and exemplary professional life within their environment.

We cannot conceal that such an eventuality gives rise to serious reservations on Our part. In fact, among other things, would it not be a very dangerous illusion to believe that such a change in the traditional discipline could, in practice, be limited to local cases of real and extreme necessity? Would it not, then, be a temptation for others to seek an apparently easier answer to the current shortage of vocations?

6Cf. *Lk.* 9 62.

In any case, the consequences would be so serious and such new questions would arise for the life of the Church that, should the occasion occur, they would have to be attentively examined beforehand by Our brothers in the episcopacy in union with Us, keeping in mind before God the universal good of the Church which should not be separated from that of the local churches.

These problems confronting Our pastoral responsibility arc really serious and, Lord Cardinal, Wc wished to confide them to you.

With Us, you have witnessed the appeals which have come to Us from all sides. Many of Our brothers and sons have begged Us not to make any change in so venerable a tradition and, at the same time, they wish with Us that Our venerable brothers, the bishops of Holland, would undertake with the Apostolic See, in a brotherly and trusting contact, a new reflection which must mature in prayer and charity.

For Our part, Wc desire more than ever to seek with the pastors of the dioceses of the Low Countries the means to resolve their problems in an appropriate way in the mutual consideration of the good of the entire Church. Therefore, Wc deem it above all necessary. Lord Cardinal, to assure the bishops, the priests and all the members of the Catholic community of Holland of Our constant affection but, at the same time, of Our conviction that it is indispensable to reconsider in the light of the reflections set forth above and in the spirit of an authentic ecclesial communion, the wishes they have expressed and the attitude they have adopted in a question of such serious import for the universal Church.

In the work in which the Holy See will have to engage for this purpose, We count especially, Lord Cardinal, on your efficient collaboration.

Your help will be invaluable to Us also in the contacts which will have to be made with the bishops of the entire world in order that all the episcopal conferences, while maintaining perfect communion with Us and the universal Church in absolute respect for its holy laws, may assure the priests, Our collaborators, that We are following and will continue to follow with fatherly affection their anxieties and their problems in the apostolate. The conferences are also to remind them at the same time of the beauty of the grace which our Lord has accorded them, and of their sacred obligations and of the missionary demands of their ministry. On this occasion Our most cordial thoughts cannot but go to the young men who, with the generosity of their apostolic enthusiasm, are preparing themselves to serve Christ and their brethren wholeheartedly in the priesthood.

They are, as a matter of fact, the hope of the Church for the evangelization of the world tomorrow. May they always commit themselves irrevocably and unreservedly to the form of life proposed to them by the Church.

Finally, Lord Cardinal, it will be necessary to ask insistently for generous prayers from the multitude of the faithful souls who remain silent but who nonetheless are suffering in this hour of trial.

May our Lord grant to all, pastors as well as faithful, firmness of faith, strength of hope and ardor of charity·. "Grace be with all those who have a love unfailing for our Lord Jesus Christ."[7]

With these sentiments, We impart to you, Lord Cardinal, Our apostolic blessing.

Prom the Vatican, 2 February, 1970, the day of the presentation of Jesus in the temple.

AAS 62-98; Paul VI, letter, 2 Feb., 1970.

Celibacy: General norms regarding, in basic program for priestly training, S. C. Inst. Cath., 6 Jan., 1970, sect. VIII, n. 48 (AAS 62-321). *See* c. 1365 for references.

Paul VI, address to general secretariat of the Synod of Bishops in which he comments on report in Paris newspaper of press conference with Cardinal Seunens on collegiality and celibacy, 15 May, 1970; both the press conference and Pope's address reported in *Cath. Mind,* 68 (Sept., 1970), 37-45, Pope's address in *T.P.S.,* 15 (1970), 149-151.

Statements by episcopal conferences:

Equatorial Africa and Cameroon, 24 June, 1969; reported in *African Eccles. Rev.,* 12 (1970),364-366.

Netherlands, 19 Jan., 1970, Eng. version in *Cath. Mind,* 68 (March, 1970)1-3. Documents from Pope Paul VI, Cardinal Alfrink, the Duch episcopate both before, during and after the 5th pastoral council of the Dutch hierarchy and responses from other individuals and from other episcopal conferences all over the world, reported in *Doc. Cath.,* 67 (1970),162-187, 325-330, 437, some of these responses arc given in Eng. version in *Christ to the World,* 15 (1970),1 54-159.

Tanzania, June, 1970, reported in *African Eccles. Rev.,* 12 (1970),363-364.

United States, 13 Nov., 1969; reported in *Cath. Mind,* 68 (Jan., 1970),55-64; *The Priest.* 26 (Jan., 1970),63-75.

Diriment impediment to marriage. *See* c. 973; Paul VI, *motu proprio, Ad pascendum,* 15 Aug., 1972, η. VI.

Dispensation from, in connection with reduction to lay state. *See* c. 214; S. C. Doct. Fid., 13 June, 1971, norms and letter; 26 June, 1972, interpretation of above norms.

7 Eph. 6:24.

Synod of Bishops' statement. See c. 329; S. C. Pub. Eccl. Neg., 30 Nov., 1971, Part 2, sect. I, n. 4.

CANON 133

Secular Activities: Synod of Bishops on, by clergy. *See* c. 329; S. C.Pub. Eccl. Neg., 30 Nov., 1971, Part 2, sect. I, n. 2.

CANON 134

Community Life: Among seminarians, S. C. Inst. Cath., 6 Jan., 1970, sect.IV, nn. 22-26; sect. VIII, n. 46 (AAS 62-321). *See* c. 1365 for references.

Synod of Bishops on, for diocesan clergy. *See* c. 329; S. C. Pub. Eccl. Neg., 30 Nov., 1971, Part 2, sect. II, n. 2.

CANON 135

Divine Office: Vernacular (S. C. ReL, 20 Sept., 1967) Private.

Because of the latest gracious disposition of the Supreme Pontiff, this Sacred Congregation gladly grants the faculty earnestly requested by Your Paternity to permit that the Divine Office be celebrated in the vernacular in the communities of your Order as often as it is recited with lay religious.

Nevertheless, Your Paternity must see to it that all interpret the faculty and use of this concession according to the mind and command of the letter of 6 June, 1967 in which the Supreme Pontiff granted to the Sacred Congregation for Religious the authorization to allow use of the vernacular in very special circumstances, namely:

1) "An induit can in no way be considered as an abrogation of the instruction, *In edicendis,*[1] of 23 November, 1965, whose norms fully accord with the prescriptions of Vatican Council II as the Supreme Pontiff himself strongly repeats in his letter. *Sacrificium laudis,*[2] of 15 August, 1966."

2) "Religious monasteries and institutes which observe these norms and foster the chant proper to the Roman Church (cf. const. *De Sacra Liturgia,*[3] n. 116) are highly commended and must be strongly confirmed in their determination."

1 Reported in *Canon Law Digest,* 6, p. 117.

2 Reported in *Canon Law Digest,* 6, p. 164.

3 Reported in *Canon Law Digest, 6,* p. 32.

3) "In order that so precious a heritage of liturgical prayer may be safely preserved for the Church, it is very greatly desired that those communities which have obtained a grant to recite the Divine Office in the vernacular, use the Latin language for celebrating the said Office in Gregorian chant."

4) Your Paternity can grant this induit "provided that the communities themselves desire such a faculty by a secret and free vote of all its members."

(Private); S. C. Rel., Rescript, 20 Sept., 1967, Prot. l 5475/67; reported with annotations (Gutierrez) in *Cotn. pro Rel.,* 49 (1968), 64 from *Analecta O.F.M. Cap.,* 83 (1967), 403-404. A similar grant was given to the Dominicans but *without* the restrictive words "as often as it is recited with lay religious." S. C. Rel., Rescript, 5 July, 1967, reported in *Com. pro Rel.,* 49 (1968), 66 from *Analecta S.O.F.P.,* 38 (1967), 302.

New Liturgy of the Hours Promulgated (Paul VI, 1 Nov., 1970) AAS 63-527.

The apostolic constitution, *Laudis canticum,* which "promulgates the Divine Office restored as a result of the decree of the Second Vatican Ecumenical Council," opens with a brief history of the formation, development and revision of the Divine Office or Liturgy of the Hours through the history of the Church down to the restored Liturgy of the Hours now being promulgated.* The dispositive part of the apostolic constitution is as follows.

it is helpful, therefore, to set forth in detail the new plan and regulation of the Liturgy of the Hours.

1. As demanded by the constitution beginning *Sacrosanctum Concilium,* consideration has been taken of the conditions in which today s priests, engaged in apostolic works, find themselves.

On the other hand, the Office has been so arranged and drawn up that, since it is the prayer of the whole People of God, not only the clergy but also the religious and even the laity can participate in it. Provision has been made for persons of different orders and levels and for their particular requests by having introduced various forms of celebration through which prayer can be accommodated to the various groups obliged to the Liturgy of the Hours according to their condition and vocation.

•An English version of this section of the apostolic constitution can be found in *T.P.S.,* 16 (1971),129-131.

2.Since the Liturgy of the Hours is the sanctification of the day. the order of the prayer has been revised so that the canonical Hours can be more readily accommodated to the natural hours of the day, with attention given to those circumstances in which the life of persons in our times is lived.

Wherefore, the Hour of Prime has been abolished. The Lauds of morning and Vespers, inasmuch as they are, as it were, the hinges of the whole Office, have been given the greatest importance, if only because they have the character of true morning and evening prayer. While the Office of Readings preserves its nocturnal character for those who celebrate vigils, it is, however, adapted to any hour of the day. As for the other Hours, the middle Hour has been so arranged that a person who chooses only one Hour from Terce, Sext and None, can adapt it to the time of day at which he celebrates it and omit nothing from the program of the psalter as it is distributed through the weeks.

3. In order that in the celebration of the Office the mind may more easily harmonize with the voice and the Liturgy of the Hours may truly be *a source of devotion and nourishment for personal prayers,*l the daily load has been somewhat reduced in the new book of the Hours but the variety of texts has been notably increased; several aids are offered for meditation on the psalms such as titles, antiphons, psalmic prayers; also, periods of silence are suggested for observance as opportunity allows.

4. In accord with the regulation of the Council,2 the weekly cycle of the psalter has been done away with and the psalter is distributed over four weeks, using the new Latin translation which was prepared by the commission which We established for a new vulgate edition of the bible. In this new distribution of the psalms, a certain few psalms and versicles have been omitted as quite harsh and with the realization, especially, of the difficulties which would arise therefrom in performing the celebration in the vernacular. Moreover, some new canticles, taken from the books of the Old Testament, have been added to the morning Lauds to increase their spiritual richness. Likewise, canticles have been introduced from the New Testament into Vespers which are decorated, as it were, with pearls.

5.l he treasury of the divine word is poured out more copiously in the new program of the readings taken from sacred scripture. This

'Cone. Vat. II, *Const, on Sac. Lit.,* n. 90; the complete document is reported in *Canon Law Digest,* 6, pp. 32-67.
2*Ibid.,* n. 91.

program is so composed that it corresponds to the program of readings used at Mass.

The sections present, on the whole, a certain unity of theme and were selected in such wise as to represent throughout the course of the year the outstanding moments of salvation history.

6. In accord with the norms laid down by the Ecumenical Council, the daily reading which is to be made from the works of the holy Fathers and the ecclesiastical writers, has been so restored that the best parts from the writings of the Christian authors, most of all, of the holy Fathers, arc set forth. Furthermore, in order that the spiritual riches of these writers may be supplied more abundantly, a second lectionary, optional, will be prepared so that richer fruits can be derived.

7. Everything which does not correspond to historical truth has been removed from the text of the book of the Liturgy of the Hours. As a result, the readings, especially the hagiographies, have been so revised that they, first of all, set forth and place in their proper light the spiritual image of the individual saints and the importance they had for the life of the Church.

8. To the morning Lauds have been added prayers whereby the consecration of the day and supplications for the work to be begun are expressed. At Vespers there is a short supplication arranged after the manner of a universal prayer.

At the end of these prayers, however, the Lord's prayer is taken up again. This is done so that, since that prayer is recited also at Mass, the custom of primitive Christianity of reciting that prayer three times in the day may, at last, be returned to our times.

Now that the prayer of holy Church has been renewed and completely restored in accordance with her very ancient tradition and consideration has been taken of the needs of the present time, it seems extremely desirable that it should deeply pervade, vivify, direct, express and effectively nourish the spiritual life of the People of God.

We arc, therefore, altogether confident that the sense of that prayer which is to be made *without intermission*[3] as our Lord, Jesus Christ, commanded His Church, may revive, especially since the book of the Liturgy of the Hours, which has been partitioned through the appropriate times, is its constant support and aid and since the celebration itself, particularly when a given community has assembled for its sake, expresses the genuine nature of the Church at prayer and is seen as her admirable sign.

3Cf. *Lk.* 18:1; 21:36. J *Thess.* 5:17; *Eph.* 6:1*8.

Christian prayer is, above all, the prayer of the universal community of men which Christ consolidates with himself,4 that is, the individuals participate in this prayer and it is a characteristic of a united group to pour out prayers which thus signify the voice of Christ's beloved spouse, the desires and wishes of the total Christian people, the supplications and pleas for the needs of all men.

From the heart of Christ this prayer receives unity. Our Redeemer wished *that the life He entered in His mortal body with His supplications and His Sacrifice should not be permitted to lapse through the course of the centuries in His Mystical Body which is the Church.*5 Thus it is that the prayer of the Church is at the same time a *prayer which Christ addresses to His Father.*6 We must, therefore, recognize that when we are celebrating the Office, our voices are echoing in Christ and His voice in us.7*

On the other hand, in order that this characteristic of our prayer may shine forth, it is necessary that *that warm and living love for scripture?* to which the Liturgy of the Hours aspires, may revive in all so that sacred scripture may really turn out to be the main source of all Christian prayer. The prayer of the psalms, particularly, which jointly follows up and proclaims the action of God in the history of salvation, must be comprehended with new affection by the People of God. This will more easily eventuate if a deeper understanding of the psalms will be more diligently promoted among the clergy' according to that sense in which they are sung in the sacred liturgy and if it will be imparted to all the faithful through suitable catechesis. This richer reading of the sacred scripture, not only at Mass but also in the new Liturgy of the Hours, will bring it about that the history of salvation will be unceasingly recalled and its continuation in the lives of men will be effectively announced.

Since the life of Christ in His Mystical Body' perfects and elevates also the particular or personal life of each of the faithful, every kind of repugnance between the prayer of the Church and personal prayer is to be totally rejected, and the relations which exist between each of those forms of prayer should receive greater emphasis and should be broadened more. Mental prayer should draw incessant nourishment from the readings, the psalms, and the other parts of the Liturgy of the Hours. The actual recitation of the Office must be accommodated, insofar as possible, to the needs of a live and person-

4Cf. Cone. Vat. II, *Const, on Sac. Lit.,* n. 83.
sPius XII, encyc. *Mediator Dei,* 20 Nov., 1947, n. 2 *(AAS,* 39 [1947],522).
6Cone. Vat. II, *Const, on Sac. Lit.,* n. 84.
7Cf. St. Augustine: *Enarrationes in ps.* 85, n. 1.
sConc. Vat. II, *Const, on Sac. Lit.,* n. 24.

al prayer for the reason that, as provided for in the general arrangement, the rhythms and modes be used and forms of celebration be chosen which better match the spiritual condition of those praying. And if the prayer of the Divine Office is made real personal prayer, those connections whereby the liturgy and total Christian life are mutually linked, also become more manifest. The universal life of the faithful through the individual hours of the day and night is, as it were, a kind of public service *(leitourgia)* in which they give themselves over to a ministry of love towards God and man, wrapped up in the activity of Christ who by His contacts and self-oblation sanctified the life of all mankind.

This exalted truth, which is inherent in Christian life, is clearly signified and effectively confirmed by the Liturgy of the Hours.

For this reason the hourly prayers arc recommended to all the faithful, even to those who are not obliged by law to recite them.

On the other hand, those who have received a mandate from the Church to celebrate the Liturgy of the Hours, should discharge it in its entirety daily and religiously and should observe, insofar as possible, the actual time of the hours and, above all, give the due importance to the morning Lauds and to Vespers. In discharging this mandate, however, those who have received sacred Orders and so carry before them in a special way the sign of Christ, the priest, or those who have especially consecrated themselves to the service of God and of the Church through the vows of religious profession should not be led on solely by observance of the law but should feel themselves urged on by the recognized inherent excellence of the matter as well as by its pastoral and ascetical appositeness. It is extremely desirable that among all the public prayer of the Church should grow out of renewal of the spirit and out of the acknowledged internal need of the whole body of the Church which, after the likeness of her Head, can be described in no other way than as the Church at prayer.

Therefore, with the help of the new book of the Liturgy of the Hours which We, by Our apostolic authority, now sanction, approve and promulgate, may the praise of God in the Church of today ring out more magnificently and beautifully. May it be associated with that praise which is sung by the saints and the angels in the heavenly court and, by dignified steps in the days of this earthly exile, may it approach more speedily to that fullness of praise which through all ages will be given *to the One who is sitting on the throne and to the Lamb.*[9]

[9] Cf. *Apoc.* 5:13.

We stipulate, however, that this new book of the Liturgy of the Hours may be used as soon as it comes to light. Furthermore, the episcopal conferences should take care that editions of the said liturgical work be prepared in the vernacular and, after its approbation or confirmation has been given by the Holy See, should define the date when the said translations, cither in whole or in part, may or must be put into use. From the date, however, when this popular version must be used in celebrations performed in the vernacular, those also who continue to use the Latin version, must use only the restored form of the Liturgy of the Hours.

For those, again, who because of advanced age or for other special reasons experience serious difficulties in observing the new arrangement, it is permissible that, with the consent of their Ordinary and only in recitation performed alone, they may retain, cither totally or partially, the Roman Breviary which was formerly in use.

These Our statutes and prescriptions We wish to be and to remain, now and in the future, firm and effective, notwithstanding, as far as need be, the constitutions and apostolic ordinances issued by Our predecessors as well as other prescriptions, even those deserving special mention and derogation.

Given at Rome, at St. Peter's, the first day of the month of November, on the solemnity of All Saints, in the year 1970, the eighth of Our pontificate.

AAS 63-527; Paul VI, ap. const., 1 Nov., 1970. zXnnotations in *Ephem. Liturg.,* 85 (1971), 184-322 (Braga, Raffa, Paschcr, Rose, Ashworth); 86 (1972),5-73 (Rose, Jounel, Raffa, Lodi); *RfR,* 33 (1974),45-53 (Melloh); *Seminarium,* 12 (1972),3-184 (series of 12 articles on "Liturgy of the Hours in the Formation of Priests"); *Worship,* 46 (1972),235-241 (Mitchell).

Optional Patristic Lectionary (S. C. Cult. Div., Oct., 1971) Private.

Following is an admonition issued by the S. C. for Divine Worship regarding the optional *{ad libitum')* patristic lectionary in connection with the Liturgy of the Hours.

In past years, in order to render the celebration of the Divine Office richer and to prepare for the new Liturgy of the Hours by legitimate experiments, certain episcopal conferences were granted the right to approve certain collections of texts selected from the Fathers or ecclesiastical writers for use in the celebration of the Divine Office.

This kind of grant was made "until such time as a ikw body of patristic readings for the Liturgy of the Hours in approved."

Now, however, that the *General Instruction on the Liturgy of the Hours* has been promulgated through the apostolic constitution, *Laudis canticum,*[1] of 1 November, 1970, the above-mentioned collection must be adapted to the norms contained in the said *Instruction,* namely: "Episcopal conferences may also put together other texts suited to the traditions and character of their jurisdiction which should be inserted into an optional lectionary after the manner of a supplement. These texts should be taken from the works of writers who are *Catholics outstanding for their doctrine and holiness of conduct*" (n. 162; cf. also nn. 160 and 161).

(Private); S. C. Cult. Div., admonition, Oct., 1971; reported in *Notitiae,* 7 (1971),289.

Optional Patristic Lectionary (S. C. Doct. Fid., 9 July, 1972; S. C. Cult. Div., Oct., 1972) Private.

In the month of October, 1971, the Sacred Congregation for Divine Worship, through *Notitiae,* n. 66, p. 289), published a certain admonition[1] regarding n. 162 of the *General Instruction on the Liturgy of the Hours* in relation to the optional "patristic" readings in prepared lectionaries of the Divine Office.

The admonition referred to collections of readings "from the Fathers" which in various places, for example, in Belgium, France, Italy, United States of America, were made public by personal undertaking or under the auspices of episcopal conferences and which could be put into use until the conclusion of the edition of the Liturgy of the Hours. However, since that book has already made its appearance, the norms for the choice of readings which are defined in n. 162 of the *General Instruction on the Liturgy of the Hours,* must be faithfully observed: "Episcopal conferences may also put together other texts suited to the traditions and character of their jurisdiction which should be inserted into an optional lectionary after the manner of a supplement. These texts should be

[1] Reported above under this same canon.

[1] Reported above under this same canon.

taken from the works of writers who are *Catholics outstanding for their doctrine and holiness of conduct."*

The recent declaration of the Sacred Congregation for the Doctrine of the Faith sets forth the prescription more accurately thus: By Catholic authors, the norm provides that they be "outstanding for doctrine and sanctity of life," a statement which limits the choice to authors whose life and doctrine can be proposed without reserve to the faithful and, consequently, clearly counsels that, as a rule, the texts of *living authors are not to be selected."*

In preparing lectionaries, certain authors have striven to observe this prescription by using an "asterisk" or some prior notation to signify that readings which have been taken from living authors who are non-Catholic or who are notoriously not "outstanding for doctrine and holiness of conduct," are suited only for personal meditation or private use but not for celebrating the Divine Office.

Now, however, that mode of procedure does not seem to suffice because it does not, as a matter of fact, remove the danger of ambiguity which easily arises from an admixture of readings which are permitted or are excluded in the celebration of the Liturgy of the Hours.

After having attentively weighed all aspects, it seems certainly very timely, if not necessary, to distinguish well the different editions of books: some books should contain the collections "from the Fathers" for the celebration of the Divine Office; other books should assemble the collections from writers which serve for personal reading or meditation.

While these latter collections can enjoy a greater liberty of selection, the collections of readings "from the Fathers," that is, texts which are used in liturgical celebration, must faithfully respond to the established norms.

(Private); S. C. Doct. Fid., declaration, 9 July, 1972, Prot. N. 640/72; S. C. Cult. Div., admonition, Oct., 1972; reported in *Notitiae,* 8 (1972),249-250.

Breviary: Detailed description (10 sections, 66 articles) of the structure of the new breviary being drawn up in accord with the decrees of Vatican Council II, published by the Conciliar Commission for the Implementation of the Constitution on the Liturgy in *Notitiae,* 5 (1969). 74-85.

Divine Office: Recitation in common. *See c.* 610; S. C. Rel. et S. L, 31 May 1969.

Vernacular. *See c.* 610; S. C. Rel. et S. I.. 21 Mar., 1969.

Liturgy of the Hours: The revised, (Breviary, Divine Office), which was promulgated by Paul VI in his constitution. *Laudis canticum,*[1] has made its

[1] Reported above under this same canon.

appearance in the Latin edition which is also declared to be the "typical edition"; S. C. Cult. Div., decree, 11 April, 1971 (AAS 63-712); original form of this decree carried Prot. N. 1000/71.

Norms for temporary abbreviated format of celebration, especially in choir, S. C. Cult. Div., 11 Nov., 1971; reported in *Notitiae,* 7 (1971), 379-383.

Obligation to recite. *See* c. 973; Paul VI, *motu proprio, Ad Pascendum,* 15 Aug., 1972, η. VIII.

Outline of abbreviated format of, for the Holy Week triduum and for the Easter octave, S. C. Cult Div., 3 March, 1972; reported in *Notitiae,* 8 (1972), 96-99.

Various special provisions. *See* c. 2; S. C. Cult. Div., 14 June, 1971.

Religious: Liturgy of the Hours in certain communities. *See* c 610; S. C. Cult Div., 6 Aug., 1972.

CANON 136

Dress: for canons, beneficiaries and pastors. *See* c. 409; S. C.Cler., 30 Oct., 1970. for cardinals, bishops and lower prelates. *See c.* 230; Sec. St., 31 March, 1969.

Ecclesiastical Garb: Directives of Bishop Waters on, for priests of North Carolina, 5 Oct., 1971 ; reported in *Cath. Mind,* 70 (March, 1972), 4-5.

CANON 139

Secular and Political Activity: Synod of Bishops on clergy and. *See* c. 329; S. C. Pub. Eccl. Neg., 30 Nov., 1971, Part 2, sect. I, n. 2.

CANON 209

Common Error: Invocation of, to sustain validity of marriages performed by deacons. *See* c. 222; S. C. Pub. Eccl. Neg., 21 May, 1968.

CANON 211

Secularization of Priests: Study of causes leading to, statistics on cases, etc. in *Angelicum.* 46 (1969),36-68 (Gangoiti).

CANON 214

Reduction to Lay State: Procedural Norins (S. C. Doct. Fid., 13 Jan., 1971) AAS 63-303.

Herewith are the "norms for preparing in diocesan and religious curias cases of reduction to the lay state together with a dispensation from the obligations connected with sacred ordination."

I

Attempts to be Made Before Proposal of Cases in Order to Have a Man Retreat from His Proposal to Say Goodbye to the Priesthood

1.Before they propose to the Sacred Congregation for the Doctrine of the Faith cases of reduction to the lay state together with a dispensation from the obligations connected with sacred ordination, the Ordinaries concerned, that is, diocesan Ordinaries for secular priests, major superiors for religious, they must, for a fitting period of time, try everything to help the petitioner to overcome the difficulties he is experiencing (cf. Paul VI, encyc., *Sacerdotalis caelibatus}* η. 87), for example, transfer from the place where he is subject to danger, in accord with the nature of the cases, using the help of the petitioner's fellow priests, friends and blood relatives, using the services of doctors and psychologists.

2. But if all these attempts have failed and the petitioner persists in requesting a dispensation, there will be occasion to collect the necessary information on the matter.

II

Nature of the Investigation for Collecting Information

1.In order that the Sacred Congregation for the Doctrine of the Faith may judge from knowledge of the case whether reduction to the lay state together with a dispensation from the obligations can be proposed to the Supreme Pontiff, the request of the petitioner is not sufficient but it is absolutely necessary that this petition be supported by information collected by the competent ecclesiastical authority in the manner indicated below in n. III. This investigation, of course, is set up for this purpose: that the truth of the matter may be made manifest by the arguments in virtue of which the petitioner requests reduction to the lay state together with a dispensation from the obligations, namely, in order that by interrogations, documents, depositions of witnesses, judgment of medical experts, and like means, it may be discovered whether the request of the petitioner is based on truth.

2.On the other hand, this investigation does not take on the characteristics of a judicial process. It does not look to proving, in accord with canons 1993-1998, invalidity of sacred ordination or of the assumption of its obligations, but only to granting a dispensation from the obligations, if the case so warrants, to the priest who is at the same time being reduced to the lay state. For this reason the

*Cf. *Canon Law Digest, 6,* p. 163, can. 132.

a

competent authority must not constitute a tribunal strictly so-called but either personally or through a delegated priest must carry out the investigation rather as part of their pastoral office. However, this investigation must be carried out according to precise rules, namely, by proposing precise questions and getting precise answers and by getting the final opinion of the authority on the truth of the matter.

3. The investigation looks especially to the following:

a) General matters regarding the petitioner: the date and place of his birth, what is called his "history," the circumstances of the family from which the petitioner came, his moral conduct, his studies, the examinations made in his regard for the reception of sacred orders and, if the petitioner is a religious, for the pronouncement of vows, the date and place of sacred ordination, the course of his priestly ministry, the juridical condition in which he presently finds himself in the eyes both of the Church and the state, and like matters.

b) The causes and circumstances of the difficulties by which the petitioner is pressed and of his defection: *before ordination:* such as diseases, immaturity both physical and psychological, lapses relative to the sixth commandment at the time of formation in the seminary or in the religious institute, pressures from the family, mistakes of superiors, both in the internal forum (provided permission of the petitioner is had) and in the external forum, in judging his vocation; *after ordination:* failures to adjust to the sacred ministry, distresses or crises in his spiritual life or in his faith itself, errors regarding celibacy and priesthood, dissolute conduct, and other like matters.

c) Trustworthiness of the petitioner: namely, whether the contents of his petition correspond to the truth of the matter.

d) Insofar as it is expedient, interrogation of witnesses contributing to the case, for example, his parents, brothers and sisters, superiors and fellow students in the seminary or in the novitiate, superiors and fellow priests in the ministry.

e) According to the nature of the cases and insofar as they can be helpful, examinations by professional experts in medicine, psychology, psychiatry.#

The authority on whom rests the responsibility of carrying out the investigation can add all those steps which he knows to be useful for a fuller understanding of the case. All the preceding, insofar as possible, should be performed under oath and veiled in secrecy.

4. After the petitioner has presented his petition to his Ordinary and until the response of the S. Congregation shall have arrived, as a measure of precaution, he must be prohibited from the exercise of his orders (cf. can. 1997).

Ili

The Competent Authority Having the Responsibility to Carry Out the Investigation

1.Essentially, the duty of proposing to the Supreme Pontiff through the Sacred Congregation for the Doctrine of the Faith, a case of reduction to the lay state together with a dispensation from the obligations belongs to the proper prelate of the petitioner, that is, to the Ordinary of the place of incardination as regards diocesan priests, to the major superior as regards priests who are religious.

2.The Ordinary of incardination or the major religious superior does not need prior permission of the Sacred Congregation for the Doctrine of the Faith in order to carry out the investigation in accord with the present norms but, in general, carries it out in virtue of his own right and office.

When the investigation has been completed, the competent authority will send the acta to the Sacred Congregation for the Doctrine of the Faith.

Then this Sacred Dicastery will weigh the case as soon as possible and, if it believes that the request should be honored, will propose it to the Holy Father to whom alone it pertains to decide whether reduction with dispensation must be granted or not.

3.When a priest-petitioner is far distant from his proper diocese or from the see of his proper major superior,

a) if he shall have had recourse to his proper Ordinary, whether diocesan or religious, that Ordinary will take care to ask the Ordinary of the place in which the petitioner habitually lives to institute the investigation and will also take care to communicate to this Ordinary everything useful to know for this purpose.

b) if he shall have had recourse to the Ordinary of the place in which he habitually lives, this Ordinary will take care to inform the proper prelate of the petitioner, whether diocesan or religious, and request from him those things which are necessary for instituting the investigation.

In both cases, the Ordinary of the place in which the petitioner habitually resides will transmit the acta of the investigation to the proper prelate of the petitioner, whether diocesan or religious, together with the addition of his own opinion.

4. For a proportionate reason, the priest-petitioner can ask from the Sacred Congregation for the Doctrine of the Faith that his case, contrary to the rule just stated, be entrusted to an authority other

than his own Ordinary, whether diocesan or religious. But even in this case, the Ordinary to whom the Sacred Congregation for the Doctrine of the Faith entrusts the making of the investigation, must request under secrecy from the proper diocesan or religious Ordinary of the petitioner appropriate information and his opinion; in this case, he will transmit the acta directly to the Sacred Congregation for the Doctrine of the Faith.

5. Always when there is question of a religious-petitioner, and as often as a diocesan priest is not living in his proper diocese, the Ordinary of the place in which the petitioner is residing, will be asked by the competent authority what he feels about being fearful or not fearful of scandal arising from the concession of the dispensation and from the canonical marriage of the petitioner.

IV

The Acta Which Must be Transmitted to the S. Congregation for the Doctrine of the Faith

When the investigation has been completed, the proper Ordinary of the petitioner, whether diocesan or religious, must transmit to the Sacred Congregation for the Doctrine of the Faith the following:

1) the request drawn up in writing by the petitioner.

2) the acta of the investigation itself (cf. η. II, 3).

3) his opinion in which he must treat of those steps by which he endeavored to help the petitioner to overcome his difficulties and of those he intends to take to ward off scandal which may possibly arise among the faithful from concession of a dispensation.

4) in the cases mentioned under n. Ill, 5, the opinion of the Ordinary of the place of residence of the petitioner about the fear or lack of fear of scandal in that place.

Above all, the competent authorities should take care that the complete acta are transmitted; thus the cases will be quickly expedited; if any necessary document is missing, the solution of the case is delayed.

V

The Rescript of Reduction to the Lay State Together With a Dispensation from the Obligations Connected With Sacred Ordination

1. The rescript inseparably includes reduction to the lay state and a dispensation from the obligations flowing from sacred ordination. The petitioner never has the right to divide those two elements, that

is to say, to accept the second and reject the first. If the petitioner is a religious, the rescript also contains a dispensation from his vows.

Insofar as there may be need, the rescript also carries with it absolution from censures contracted and the legitimation of offspring.

The rescript becomes effective from the moment notification is made to the petitioner by the competent prelate.

2. The rescript is sent to the proper prelate of the petitioner, namely, to the diocesan Ordinary for secular priests, to the major superior for religious, so that he may communicate it to the petitioner; excepted is the case mentioned in n. III, 4.

3. If the petitioner is a diocesan priest living outside his proper diocese or if he is a religious, the Ordinary of the place of incardination or the major religious superior will inform the Ordinary' of the place of habitual residence of the petitioner about the pontifical dispensation and, if the case so warrants, will ask him to communicate the rescript to the petitioner and grant the necessary delegation for the canonical celebration of the marriage. If, however, special circumstances suggest another course, the aforesaid Ordinary should have recourse to the Sacred Congregation.

4. In the registry of baptisms of the parish of the petitioner and of his partner it should be noted that the local Ordinary must be consulted if and when notices or documents are requested.

VI

Conditions to be Observed by the Dispensed Priest

1. As a rule, the priest who has been reduced to the lay state and dispensed from the obligations connected with the priesthood and, still more, the priest who has married, must stay away from the places where his priestly status is known. The Ordinary of the place of residence of the petitioner, in common counsel, insofar as need be, with the proper Ordinary of incardination or with the major religious superior, can dispense from that clause affecting the rescript if the presence of the dispensed petitioner is foreseen as not generative of scandal.

2. As regards the celebration of canonical marriage, as a rule, the Ordinary should take care that there be no pomp or magnificence of any kind and that the marriage take place before an approved priest and without witnesses, or if need be, with two witnesses; record of the marriage should be kept in the secret archives of the curia.

It pertains to the Ordinary of the place of residence together with

the proper prelate of the petitioner, whether diocesan or religious, to determine how the dispensation and, likewise, the celebration of the marriage must be veiled in secrecy or be communicated, with due caution, to the petitioner's relatives, friends and employer so that the good reputation of the petitioner himself may be provided foras well as the economic-social rights flowing from his new status as a married layman.

3. If, however, the priest who has been reduced to the lay state and dispensed from the obligations connected with sacred ordination does not live up to his given word regarding avoiding scandal, even also making his case a matter of public knowledge to provoke scandal (making use of the press, radio and television resources, and other like means), moved with a bad will to spurn sacred celibacy, the Ordinaries concerned, including the religious superior in the case of a religious, have the right to divulge that the priest in question has been reduced to the lay state and been dispensed from his obligations because the Church did not consider him worthy for the functions of the priesthood.

4. The Ordinary to whom it pertains to communicate the rescript to the petitioner, should earnestly exhort him to participate in the life of the People of God in a manner befitting his new condition of living, to give edification, and thus show himself as a very loving son of the Church. At the same time, however, he should inform him that every priest who has been reduced to the lay state and been dispensed from his priestly obligations is prohibited from:

a) exercising any function of sacred orders, without prejudice to what is provided for in canons 882 and 892, §2.

b) having any liturgical part in celebrations with the people where his condition is known and from ever giving a homily.

c) having any pastoral office.

d) functioning as rector (or any other administrative officer), spiritual director, or teacher in seminaries, theological faculties, and similar institutions.

e) likewise, discharging the functions of director of a Catholic school, or teacher of religion in any kind of school, whether Catholic or not. On the other hand, the local Ordinary, according to his own prudent judgment, can, in particular cases, permit a priest who has been reduced to the lay state and dispensed from the obligations connected with sacred ordination, to teach religion in public schools and, by way of exception, also in Catholic schools provided that no scandal or wonderment is to be feared.

5. The Ordinaries concerned, among whom is the major religious

superior, should, with fatherly, pastoral charity, keep in touch with priests who have been reduced to the lay state and dispensed from the obligations connected with sacred ordination and, if possible, come to their aid in the necessities for maintaining an upright life.

VII

Cases Which Must Be Prosecuted Officially

While making due adaptations, what has been stipulated in these regulations for cases in which priests spontaneously petition reduction to the lay state together with a dispensation from the obligations flowing out of sacred ordination, must be applied also in cases in which it seems that some priest because of depraved life, or doctrinal errors, or other serious reason, and after the necessary investigation, must be reduced to the lay state and at the same time, out of mercy, must be dispensed lest he run the risk of eternal damnation.

AAS 63-303; S. C. Doer. Fid., norms, 13 Jan., 1971.

Reduction to Lay State; Circular Letter to Ordinaries (S. C. Doct. Fid., 13 Jan., 1971) AAS 63-309.

The following circular letter was addressed to all local Ordinaries and to all superiors general of clerical religious institutes.

In his encyclical, *Sacerdotalis caelibatus,*[1] issued on 24 June, 1967, the Supreme Pontiff, Paul VI, said: "with fatherly love, great anxiety and sorrow . . . those unfortunate . . . brothers in the priesthood, but always very loved and longed for, who, while wearing on their souls the impressed sacred sign conferred by their priestly order, nevertheless have sadly fallen away from the obligations they accepted in priestly consecration."

In the said document, after having recalled the reasons for which the Church believes reduction to the lay state together with a dispensation from the obligation of observing celibacy should be granted to certain priests, the Supreme Pontiff advises that "nothing should be left untried that a wavering and slipping brother may be persuaded to come back to peace of sou), to trust, to penance, and to

*Cf. *Canon Law Digest,* 6, p. 163, can. 132.

reviving his pristine zeal. And it is only when it is seen that it is impossible to urge the priest to reform that, finally, the unfortunate minister of God must be exempted from the execution of the office entrusted to him." But the Holy Father continues: "But if some time it happen that, although he cannot be led back to taking on again the tasks of his priesthood, he manifests a sincere and good will to lead a Christian life as becomes a layman, the Apostolic Sec, after having diligently weighed everything, and after having taken counsel with the local Ordinary or with the religious superior, sometimes grants the requested dispensation, moved more by love than by sorrow" *(AAS,* 59 [1967],690-692).

To be sure, the Supreme Pontiffs, Pius XII and John XX1Π, of happy memory, and Paul VI entrusted to the then Supreme Sacred Congregation of the Holy Office the examination of requests for reduction to the lay state with a dispensation from the obligation to observe celibacy so that it might present at a papal audience cases worthy of a favorable judgment.

Wherefore, this Sacred Dicastcry, on 2 February, 1964, sent a letter "to all local Ordinaries and superiors general of religious families" in which was announced the constitution of a special commission within the Sacred Congregation itself, which would have the responsibility of weighing requests for reduction to the lay state with a dispensation from the obligation to observe celibacy. To this letter were annexed "Norms for the preparation of cases regarding sacred ordination and its obligations" according to which the Ordinary of the place of habitual residence of the petitioner (who was also called the "plaintiff') had to constitute a tribunal composed of a judge, a defender of the bond of sacred ordination, and a recorder to draw up the process in a judicial form. The interrogatory of the petitioner contained 27 articles·, the "judicial examination" of the parents and of the witnesses contained 22 and 32 articles respectively*

From that point on, for a long time, very many bishops and superiors general of religious have petitioned that the regulations to be observed be reduced to a simpler form and, consequently, that the time spent on the solution of cases, both in diocesan curias and in this Sacred Congregation, might be shortened.

Considering these matters, the plenary session of this S. Congregation, held on the 3rd day of December, 1969, decreed that the above-mentioned norms should be abrogated and that new simpler norms be substituted for them. The Holy Father ratified the decision of the Eminent Fathers when it was reported to him.

As a result, this Sacred Congregation has digested in an orderly way the suggestions of the bishops and the superiors general and has conferred the conclusions which from experience have been drawn from thousands of cases reported from almost all parts of the earth. Thence have been deduced these new norms which our Holy Father deigned to approve when they were proposed to him on the 14th day of December, 1970.

With this letter the new norms[2] are now communicated to the local Ordinaries and to the superiors general of religious clerical institutes. The superiors general, however, are asked to make these norms known to all the major superiors of their religious institutes (provincials and those equated with provincials).

The principal differences between the norms of 1964 and the present norms now come up for illustration.

1) In place of the "judicial process" instructed in a tribunal, there now is a simple investigation whose purpose it is to discover whether the reasons alleged in the petition for a dispensation from the obligation of celibacy are valid and whether the assertions made by the petitioner arc based on truth. This kind of investigation, therefore, has less of juridical rigor and is governed more by pastoral considerations and proceeds in a simpler way: on the other hand, always to be kept holy is that the investigation lead to knowledge of the objective truth.

2) The norms passed in 1964 entrusted the total process to the Ordinary of the place of habitual residence of the petitioner who could, of course, not be the proper Ordinary of a secular priest petitioner and never was the proper major superior of a petitioner who was a religious. The new norms, however, entrust the task of carrying out the investigation to the proper Ordinary of the petitioner, whether diocesan or religious.

But if the petitioner is far distant from his proper diocese or from the sec of his major religious superior, the norms command the aforesaid competent authorities, that is, prelates, to ask, by means of a formal letter, the Ordinary of the place in which the petitioner is living to carry out the investigation.

3) In this Sacred Congregation the examination of the acta sent by the competent prelate will be adjusted to a simpler procedure. Therefore, supposing the completeness of the acta, the examination to be made for solving the case will be contained within a brief period of time. If the opinion of the competent prelate is favorable

[2] Reported above under this same canon.

and the opinion of this S. Congregation holds the first one ratified,a dispensation from the obligation to observe celibacy will be sought at once from the Holy Father; and if this is granted, the rescript of it will be sent shortly to that prelate who proposed the case.

4) Up to the present, the rescript of reduction to the lay state with a dispensation from the obligation of observing celibacy was sent attached to a letter to the Ordinary of the place of residence of the petitioner while the Sacred Congregation itself informed the proper Ordinary of incardination or the major religious superior. From now on, however, that same prelate to whom the petitioner is subject by reason of incardination or religious profession and who carries out the investigation of the case, will communicate the rescript to the petitioner, either himself or through the Ordinary of the place of residence of the petitioner himself.

5)The new norms give to the competent prelate (Ordinary of incardination, major religious superior, Ordinary of the place in which the petitioner is residing) the faculty to dispense, in accord with their prudence and as need may be, the petitioner from the obligation which, to this time, has been exceedingly strict, of maintaining secrecy regarding the dispensation and the canonical celebration of marriage.

6) After frequent consultations and a diligent examination carried on in a mixed assembly of members of this S. Congregation and of the other competent Dicasteries, the norms given in section VI were arrived at; and the Holy Father ratified them by a special act.

These provisions in the norms now published, in a somewhat more preferable manner, change and complete the norms passed in 1964. However, presupposed by the norms themselves and necessarily governing the use of the norms is the very serious duty which is incumbent upon all bishops and religious superiors and by which this S. Congregation, which the Supreme Pontiff intends to have satisfied in the first place, also feels itself bound, of trying everything to have the priests who arc struggling with the temptation to leave, overcome their difficulties (before recourse is instituted to the supreme authority in the Church for solving the cases which are deserving of mercy and which are recalled in the encyclical, *Sacerdotalis caelibatus).*

Furthermore, this letter and the appended norms give witness to the strong and live desire of the Sacred Congregation for the Doctrine of the Faith to bring assistance to the bishops and to the major religious superiors so that the endangered priests may be recalled to reformation.

At the same time that we communicate this to you in keeping with our responsibility, we gladly express the deep sentiments of our desire to serve and profess ourselves most devotedly yours in the Lord.

?\AS 63-309; S. C. Doct. Fid., letter, 13 Jan., 1971.

Reduction to Lay State: Procedural Norms: Interpretation (S. C. Doct. Fid., 26 June, 1972) AAS 64-641.

The S. C. for the Doctrine of the Faith made the following "Declaration regarding the interpretation of certain provisions which were established by the norms issued on 13 January, 1971.

On the 13th of January, 1971, this Sacred Department established new norms for preparing in diocesan curiasand in the generalate curias of clerical religious institutes cases of reduction of priests to the lay state together with a dispensation from all the obligations deriving from sacred Orders.

After the above-mentioned publication was carried out, some questions and difficulties were proposed to this Sacred Congregation, especially as regards the interpretation of certain provisions set down in the norms.

In order to solve or to get around the said questions or difficulties. this Sacred Department, sharing in the solicitude of the Ordinaries, proposes the following for consideration for the interpretation in an authentic way of the aforesaid norms in a matter which is serious and particularly arduous.

I. This Sacred Department strongly exhorts Ordinaries, in keeping with their praiseworthy prudence, to please assist in a fatherly way. "in season and out of season," priests who arc wrapped up in a vocational crisis lest, in a matter of such great importance both for their own future and for the good of the Church, they act precipitously and seek a dispensation without objectively serious reasons.

As a matter of fact, especially in the very recent past, some who had demanded a dispensation because of a sudden crisis, later revoked their own petition when the case was already being considered by this Sacred Department.

Yet others, after the rescript of the already granted favor had been communicated to them, moved by divine grace and tortured with

| Reported above in this volume under this same canon.

pangs of conscience, were unwilling to accept it in order that they might continue to exercise their priesthood.

I-inally, there are some who after having obtained the dispensation and contracted marriage in the eyes of the Church, have also broken their marriage loyalty.

The new norms do not have as their purpose the indiscriminate granting of the favor of dispensation to anyone who requests it but only the reduction to a simpler form of the investigations to be carried out by the Ordinaries.

II. In accord with η. II, 3 *b,* of the norms, "The causes and circumstances of the difficulties by which the petitioner is pressed," are the main elements of the investigation to be carried out by the Ordinaries so that they may be able to report to the Sacred Department on what grounds the petitioner's request is based. Moreover, these grounds must be firmed up by other forms of information and other circumstances which may possibly derive from the investigations themselves (cf. η. Il, 3, *c, d, e)* and by the opinion whereby the Ordinary himself manifests his own mind with reference to the request itself. Again, the dispensation is not granted "automatically," as it were, but proportionately serious reasons arc required.

It is the responsibility of this S. Congregation to weigh the alleged reasons and to pass sentence in each instance, with consideration given not only to the spiritual good of the petitioner himself, but also to the good of the Church universal, while preserving intact the law of sacred celibacy.

As a result, not every kind of reason proposed is always considered sufficient or valid for obtaining the sought-for favor. Thus, the following reasons cannot be classified as sufficient: «) the simple wish to marry; *b)* contempt for the law of sacred celibacy·, c) attempted civil marriage or a date established for the celebration of marriage with the hope of thus obtaining a dispensation more easily.

Therefore, Ordinaries should not send to this Sacred Congregation petitions which appear to be supported only by the above-mentioned reasons, especially when there is question of priests who have received sacred ordination only a very few years earlier.

111. To the question raised whether Ordinaries can apply can. 81 C./.C. also when it is a matter of a dispensation from sacred celibacy, the answer must be: *hi the negative.* This dispensation is reserved solely and personally to the Supreme Pontiff (cf. *De Episcoporum muneribus,* η. IX, 1)2.

2Canon Latu Digest, 6. p. 397.

Consequently, a marriage which may have been celebrated without a dispensation having been granted by the Apostolic See itself, lacks all validity.

IV. A rescript of reduction to the lay state and of dispensation from the [clerical] obligations exerts its force fully immediately upon the moment of notification on the part of the Ordinary and docs not require any acceptation on the part of the petitioner. The Sacred Congregation never directly communicates the rescript of dispensation with the petitioner but, with opportune safeguard, always sends it to the Ordinary so that, on the occasion of the execution of the rescript, he may encourage the petitioner himself in a more personal manner as regards leading a Christian life so as to merit eternal salvation for his own soul and as regards the edification of the faithful.

On the other hand, if, after notification of the rescript, the petitioner, moved by penitence, manifests a will to persevere in the exercise of the priesthood, he must nevertheless be considered as suspended by law from every kind of priestly function because by the notification as such he has been reduced to the lay state. Nonetheless, he may address a new petition to the Sacred Congregation for readmission to the clerical state. On the other hand, the Sacred Congregation itself, after he has spent a suitable time in probation, and after attending to the favorable opinion of the Ordinary, will decide regarding the opportuneness of suggesting the new favor to the Supreme Pontiff.

V. The words, "similar institutions," which are found in η. VI, 4, if, of the *Norms,* must be understood as:

a) *Faculties, institutes, schools, etc. of ecclesiastical or religious sciences (e.g, faculties of canon law, missiology, Church history, philosophy, or pastoral institutes of religious, catechetical, etc. education).* In the above-mentioned institutes no teaching function may be entrusted to dispensed priests; indeed, they themselves must retire completely from the aforesaid function before the granting of the dispensation.

b)*All other centers of higher studies, even those not strictly dependent upon Church authority, in which theological or religious disciplines are also taught.* In these institutes disciplines which are technically theological or closely connected with them (e.g., religious and catechetical education) may not be entrusted to the above-mentioned dispensed priests. In a doubt concerning disciplines connected with theology, the matter will be resolved by the S. Congre-

gation for the Doctrine of the Faith after consultation with the S. Congregation for Catholic Education.

VI. This Sacred Congregation trusts it has met the expectations of some so that, with the difficulties solved, the norms issued may more easily be observed in their entirety.

Given at Rome, the 26th day of June, 1972.

AAS 64-641 ; S. C. Doct. Fid., declaration, 26 June, 1972; the original form of this document carried Prot. N. 128/61.

Reduction to the Lay State: Norms and procedure regarding suit for declaration of nullity of ordination or of its obligations. *See* c. 1993; Holy Office, 2 Feb., 1964.

CANON 215

Berlin Diocese Immediately Under Holy See (S. C. Episc., 28 June, 1972) Private.

The Supreme Pontiff, Pope Paul VI, having attended to the timeliness and necessity of the matter, by the present decree of the Sacred Congregation for Bishops, has set down and decreed that the Diocese of Berlin, a suffragan of the metropolitan church of Wroclaw {Poland], be withdrawn from the metropolitan jurisdiction of the Archdiocese of Wroclaw and be immediately subject to the Holy Sec unless another provision be made.

All things to the contrary notwithstanding

Given at Rome, from the offices of the Sacred Congregation for Bishops, the 28th day of the month of June in the year 1972.

(Private); S. C. Episc., decree, 28 June, 1972, Prot. N. 556/72; reported in *Archiv K K.,* 141 (1972),509. **H**

Charlotte (North Carolina): Paul VI, ap. const, creating new Diocese of Charlotte (Latin name: *Carolinana)* out ot part of territory of Raleigh an making it a suffragan of the Archdiocese of Atlanta, 12 Nov., 1971 (AAS 64-271). , t

Church Structures: Paul VI. allocution to 21st Italian National Week of Pastoral Renewal on the role and function of: 1) the diocese; 2) the parish; 3) grassroots communities, 9 Sept., 1971 ; not published in /1/1S but in *OR.,* 10 Sept., 1971-EngIish version in *T. P.* S., 16 (1971),218-222.

Paul VI, allocution to general audience on "Church Structures and Action of the Spirit," 24 Nov., 1971 ; not published in /1/1S but in O. *R.,* 25 Nov., 1971—English version in *T. P. S.,* 16 (1971),340-343.

Detroit: Paul VI, ap. const, changing boundaries of Archdiocese of Detroit and the Dioceses of Grand Rapids, Lansing and Saginaw and creating the two new Dioceses of Gaylord and Kalamazoo, 19 Dec., 1970 (AAS 63-721).

Drysdale River (Australia): Name of this independent mission changed to Kalurnburu after the name of the locality; S. C. Gent. Evang., decree, 8 Sept., 1971 (AAS 63-945).

Florida: New ecclesiastical province created and embracing complete State of Florida. Metropolitan See: Miami; suffragan sees; Orlando, Saint Augustine. Saint Petersburg. Paul VI, ap. const., 2 March, 1968 (AAS 60-705).

Kalurnburu (Australia): *See above,* Drysdale River.

Little Rock (Arkansas): *See below,* Oklahoma.

Memphis: Paul VI, ap. const, creating Diocese of Mcmphis-in-Tenncssee from territory withdrawn from that of the Diocese of Nashville, 20 June, 1970 (AAS 63-196).

New Norcia (Australia): Abbacy *nullius:* change of boundaries; S. C. Gent. Evang, decree, 21 Sept., 1971 (AAS 63-946).

Oklahoma: Paul VI, ap. const, creating independent Diocese of Tulsa out of part of territory formerly constituting the Diocese of Oklahoma City-and-Tulsa and also creating the new ecclesiastical province of Oklahoma with Oklahoma City becoming the archiépiscopal see and the newly-founded Diocese of Tulsa and the Diocese of Little Rock (Arkansas) as suffragan sees, 13 Dec., 1972 (AAS 65-123).

Perth (Australia): Change of boundaries; S. C. Gent. Evang., decree, 21 Sept.. 1971 (AAS 63-946).

Tulsa (Oklahoma): *See above,* Oklahoma.

Virgin Islands: S. C. Gent. Evang., decree, 27 Feb., 1971, removing those which arc under British jurisdiction from that ecclesiastical jurisdiction and uniting them with the Diocese of San Juan, Puerto Rico (AAS 6 3-244).

CANON 216

Church Structures: Paul VI, allocution to 21st Italian National Week of Pastoral Renewal on the role and function of: 1) the diocese·. 2) the parish; 3) grassroots communities, 9 Sept., 1971; not published in ,4/lS but in *O. R.,* 10 Sept., 1971-English version in *T. P. S,,* 16 (1971),218-222.

Paul VI. allocution to general audience on "Church Structures and Action of the Spirit," 24 Nov., 1971; not published in Æ4S but in *O R.,* 25 Nov.. 1971 —English version in *T P. S.,* 16 (1971),340-343.

Paul VI, allocution to those attending second renewal course in canon law at Gregorian University. 1 3 Dec., 1972. *See c.* 8.

CANON 218

Paul Vi's Trip to Uganda (28 July to 2 Aug., 1969) AAS 61-568.

The documentation relative to this trip occupies pages 568-591. All of it is in English except a preliminary address (in Italian) to an

audience at Rome before the start of the trip and a short address (in French) to the diplomatic corps in Uganda. Following is a list of the various addresses made by the Pope and published in AAS in connection with the Uganda trip. The Roman numeral preceding each heading is that of the serial enumeration in *AAS*.

VI. Address to first ambassador to the Vatican from Uganda, 28 July, 1969 (AAS 61-568).

VII. Address to general audience on peace in Africa, 30 July, 1969 (AAS 61-568).

VIII. Address to Uganda's President and others upon arrival at Entebbe Airport, Uganda, 31 July, 1969 (AAS 61-572).

IX. Address to African Bishops' Symposium at Kampala, 31 July, 1969 (AAS 61-573).

X. Address to the Uganda President at the presidential residence, 31 July, 1969 (AAS 61-578).

XI. Address to the Uganda parliament, 1 Aug., 1969 (AAS 61-580).

XII. Address to the diplomatic corps in Uganda, 1 Aug., 1969 (AAS 61-586).

XIII. Homily at the place where 22 Uganda martyrs met their death, 2 Aug., 1969 (AAS 61-587).

XIV. Address given at the shrine of the Anglican Uganda martyrs, 2 Aug., 1969 (AAS 61-590).

?\bortion: Paul VI, allocution to the delegates at the 1972 convention of the Society of Italian Catholic Jurists condemning, 9 Dec., 1972 (AAS 64-776)—English version in *T.P.S.,* 17 (1972),333-335.

Africa: Paul VI, announcement of intended trip, 19 March, 1969 (AAS 61-249); index of addresses given on crip to Uganda, Africa: *see* documentation *above* under this same canon.

Astronauts: Paul VI, allocution on the occasion of the first landing of men on the moon, 16 July, 1969, and another given shortly before the actual noon landing, 20 July, 1969;both allocutions in *T.P.S.,* 14 (1969),88-91.

Paul VI, radio message (partly Italian, partly English) sent moments after the first lunar landing, 21 July, 1969 (AAS 61-592).

Australia: Paul VI, written Lenten message (in English) to bishops of, in connection with their "Project Compassion," 30 Oct., 1971 (AAS 64-235).

Bermuda: Paul VI, allocution (in English) during stopover on return trip from Bogota, 24 Aug., 1968 (AAS 60-654).

Biblical Studies: Paul VI, allocution to those attending 22nd "Biblical Week" at Rome, 29 Sept., 1972 (AAS 64-634)—English version in *T.P S.* 17 (1972),216-219-

Bogota: Paul Vi's visit to. announcement of intended trip to, in allocution 8 May. 1968 (AAS 60-332).

Documentation of allocutions, 22-25 Aug., 1968 (AAS 60-609-656); English version of four speeches in *TPS.,* 13 (1968),229-260; one speech in *Catb. Mmd,* 66 (Oct. 1968),57-60.

Canada: Paul Vi, allocution to Premier Trudeau during private audience, 16 Jan., 1969 (AAS 61-95).

Caritas Internationalis: Paul VI, allocution to executive committee of, 29 Nov., 1972 (AAS 64-772).

Catholic Biblical Associations: Paul VI, allocution (in English) at international meeting at Rome, 16 April, 1969 (AAS 61-309).

Christmas Messages: 1967: Paul VI, 23 Dec., 1967 (AAS 60-39)—English version in *Cath. Mind, 66* (Feb. 1968),59-62; 25 Dec., 1967 (AAS 60-44)-English version in *Catb. Mind, 66* (Feb. 1968),62-64.

1968: Paul VI, 20 Dec., 1968 (AAS 61-53)—English version in *T.P.S.,* 13 (1968) 356-361; 23 Dec., 1968 (AAS 61-34)—English version in *T.P.S.,* 13 (1968),305-316.

1969: Paul VI, 25 Dec., 1969 (AAS 62-63)—English version in *Catb. Mind,* 68 (Feb. 1970),42-44.

1970: Paul VI, 25 Dec., 1970 (AAS 63-148)-English version in *T.P.S.,* 15 (1970) 338-340.

1971: Paul VI, 23 Dec., 1971 (AAS 64-31)—English version in *T.P.S.,* 16 (1971) 323-331; homily, 25 Dec., 1971 (AAS 64-40); radio message, 25 Dec., 1971 (AAS 64-58).

1972: Paul VI, 22 Dec., 1972 (AAS 65-19)-English version in *T.P.S.,* 17 (1972) 347-354; radio message, 25 Dec., 1972 (AAS 65-42).

Cor Unum: Pontifical Council. See c. 242, ref.

Czechoslovakia: Paul VI, apostolic letter to hierarchy and faithful on occasion of eleventh centenary of deaths of Sts. Cyril and Methodius, 2 Feb., 1969 (AAS 61-137).

Paul VI, allocution to pilgrims who came to Rome to celebrate eleventh centenary of deaths of Sts. Cyril and Methodius, 14 Feb., 1969 (AAS 61-182)-English version in *T.P.S.,* 14 (1969),34-38.

Devil: Paul VI, allocution to general audience regarding power and presence of, in this world, 15 Nov., 1972; not published in AAS but in *OR..* 16 Nov., 1972-English version in *T.P.S.,* 17 (1972),315-319.

Drugs: Paul VI, allocution (in English) to members of International Toxicology Congress or "Roman International Poison Days," 5 Sept., 1970 (AAS 62-599).

Paul VI, allocution to some 150 educators and social workers associated with the Carlo Erba Foundation's anti-drug program in Italian schools, 18 Dec., 1972; not published in *AAS* but in *O R ,* 18-19 Dec., 1972—English version in *O.R. Eng.,* 4 Jan., 1973 andin *T.P.S.,* 17 (1972),3O4-3O9.

Easter Messages: 1968: Paul VI, 14 April, 1968 (AAS 60-276)—English version *in Catb. Mind, 66* (May 1968),62-64; *T.P.S.,* 13 (1968),126-129.

1969: Paul VI, 6 April, 1969 (AAS 61-27O)-English version in *T.P.S.,* 14 (1969) 1976

1970: Paul VI, 29 March, 1970 (AAS 62-228)—English version in *Catb. Mind,* 68 (June 1970),59-61 ; *T.P.S.,* 15 (1970),28-30.

1971: Paul VI, 11 April, 1971 (?\AS 63-300)—English version in *T.P.S.,* 16 (1971), 63-65.

1972: Paul VI, radio-television message to the world, 2 April, 1972 (AAS 64-372).

Encyclicals: *Hutnanae vitae,* Paul VI, 25 July, 1968, on birth control (AAS 60-481)-English version in *T.P.S.,* 13 (1968),329-346.

European Apostolatc of the Worker: Paul VI, allocution to members

assembled at Rome, 12 Oct., 1972 (AAS 64-683)—English version in TPS 17 (1972),220-224.

European Economic Community: Paul VI, allocution to delegations of physicians from, 24 Nov., 1972 (AAS 64-763)-partially reported in English in *T.P.S.,* 17 (1972),369-371.

F. A. O.: Paul VI, allocution to participants of 16th convention of, 12 Nov., 1971 (AAS 63-875)—English version in *T.P.S.,* 16 (1971),319-322.

Government: Paul VI, allocution to delegates to 60th assembly of Interparliamentary Union at Rome, 23 Sept., 1972 (AAS 64-623>—English version in *T.P.S.,* 17 (1972),193-199.

Great Britain: Paul VI, allocution (in English) to Prime Minister Heath, 4 Oct., 1972 (AAS 64-674).

Holland: Paul VI, letter to bishops of, before start of the fifth session of their pastoral council, on various erroneous or dubious statements in the reported agenda of the council, 24 Dec., 1969 (AAS 62-66)—English version in T.P.S., 14 (1969),292-296. *See also* c. 132: Statements by episcopal conferences: Netherlands.

Holy See Day: Paul VI, written message (in English) to Cardinal Marells, delegate to celebration of, at Osaka, Japan, 8 June, 1970 (AAS 62-632).

Holy Thursday: Paul VI, homily urging unity, 3 April, 1969 (AAS 61-238)—English version in *T.P.S.,* 14 (1969),15-18.

1970: Paul VI, homily, 26 March, 1970 (AAS 62-209).

1971: Paul VI, homily, 8 April, 1971 (AAS 63-273)-English version in *T.P.S.,* 16 (1971),8-12.

1972: Paul VI, homily, 30 March, 1972 (AAS 64-283).

Human Rights: Paul VI, written message (in English) to president of the United Nations on occasion of celebration of 20th anniversary of "Declaration of Human Rights," 4 Dec., 1968 (AAS 61-60); reprinted in *T.P.S.,* 13 (1968),325-326. *See also:* Peace: Day of.

Humanae Kitae: Paul VI, encyclical on birth control, 25 July, 1968 (AAS 60-481)-English version in *T.P.S.,* 13 (1968),329-346.

Paul VI, allocution to general audience, 31 July, 1968 (AAS 60-527)—English version in *T.P.S.,* 13 (1968),206-210.

International College of Surgeons: Paul VI, homily to, at Mass in Sistine Chapel, on the defense of human life, 1 June, 1972 (AAS 64-432)—English version in *T.P.S.*. 17 (1972),127-1 30.

International Congress of Canonists: Paul VI, allocution to, in which he takes up some new elements in canon law from theology and scripture, 20 Jan., 1970 (AAS 62-106)—English version in *T.P.S.,* 15 (1970),70-74.

"Katholikcntag": Paul VI, written message to those attending assembly at Essen, 30 Aug., 1968 (AAS 60-57 3).

Laity: Council for the. *See c.* 242.

Lent: 1969: Paul VI, allocution to Lenten preachers on the role of today's priest, 17 Feb., 1969 (AAS 61-187)—English version in *T.P.S.,* 14 (1969),23-29.

1970 Paul VI, allocution to Roman clergy and Lenten preachers on priestly life and community spirit, 9 Feb., 1970 (AAS 62-1 65)-English version in *T.P.S.,* 15 (1970),64-69.

Paul VI, allocution to general audience on Ash Wednesday. 11 Feb., 1970, stressing man's preoccupation with material well-being and the need for penance (AAS 62-170).

1972: Paul VI, allocution to Lenten preachers discussing role of the priest today. 17 Feb., 1972 (AAS 64-221)—English version in *T.P.S.,* 17 (1972),55-63.

Missions: World Mission Day. *See c.* 1350.

Montessori: Paul VI, allocution to members of International Montessori Conference on occasion of first centenary of Maria Montessori's birth, 17 Sept., 1970 (AAS 62-609)-English version in *T.P.S.,* 15 (1970),241-244.

N.A.T.O.: Paul VI, allocution to graduates of N.A.T.O. Defense College, 3 Feb., 1972 (AAS 64-212).

Outer Space: Paul VI, written message on outer space and world peace to International Conference of Exploration and Peaceful Utilization of Extra-Atmospheric Space, 6 Aug., 1968 (AAS 60-570)-English version in *TPS.,* 13 (1968),270-272.

Papacy: Paul VI, allocution to general audience on the office of, on occasion of the 9th anniversary of his election, 21 June, 1972; not published in AAS but in *O.R., 22* June, 1972-English version in *T.P.S.,* 17 (1972),96-99.

Pax Romana: Paul VI, allocution to members assembled at Friburg, Switzerland, from all over the world to celebrate the 50th anniversary of the foundation of the association, 21 July, 1971 (AAS 63-687)—English version in *T.P.S.,* 16 (1971), 170-171.

Peace: Day of: 1968: Paul VI, written message advocating and emphasizing relationship between world peace and human rights, 8 Dec., 1968 (AAS 60-769)—English version in *T.P.S.,* 13 (1968),301-302.

1969: Paul VI, allocution on peace, 1 Jan., 1969 (AAS 61-80).

1970: Paul VI, written message to all mankind announcing 1970 observance of the World Day of Peace, 30 Nov., 1969 (AAS 61-794)-English version in *T.P.S.,* 14 (1969),311-315. Paul VI, prayer recited for, 1 Jan., 1970—English version in *Catb. Mind.* 68 (Feb. 1970),64.

1971: Paul VI, written message to all mankind announcing 1971 observance of World Day of Peace, 14 Nov., 1970 (AAS 63-5)—English version in *Catb. Mind,* 69 (March 1971),55-58; *T.P.S.,* 15 (1970),333-337. Paul VI, allocution to European ex-servicemen and war victims meeting in Rome, 20 Nov., 1971 (AAS 63-881)—English version in *T.P.S.,* 16 (1971),338-339.

1972: Paul VI, written message announcing 1972 observance of World Day of Peace, 8 Dec., 1971 (AAS 63-865)—English version in *T.P.S.,* 16 (1971),349-352. Paul VI, allocution to College of Cardinals, 22 Dec., 1972 (AAS 65-19)—English version in *T.P.S.,* 17 (1972),347-354.

1973: Paul VI, written message announcing 1973 observance of World Day of Peace, 8 Dec., 1972 (AAS 64-753)—English version in *T.P.S.,* 17 (1972), 340-346.

Penal Law: Paul VI, allocution to those present in Rome at 10th International Convention on Penal Law, 4 Oct., 1969 (AAS 61-709)- English version in *T.P.S.,* 14 (1969),371-374.

Press: Paul VI, allocution to members of the International Union of the Catholic Press, stressing role of journalist to search out the truth which, at times, means resisting current opinion, 23 Nov., 1968 (AAS 6O-8O5)-English version in *T.P.S.,* 13 (1968), 317-319.

Renewal: Paul VI, allocution, 25 April, 1968 (AAS 60-326) praises true renewal but deplores arbitrary changes, questioning of traditional and official teaching of magisterium, and disobedience to authority.

Paul VI, allocution to general audience on Council's intention regarding renewal; not published in *AAS* but in *O.R.,* 16 Jan., 1969-English version in *T.P.S..* 14 (1969).51-53.

Rerum Novarum; Paul VI, apostolic letter to Cardinal Roy, president of the Council for the Laity and of the Commission *lustitia et Pax,* on the 80th anniversary of the encyclical, 14 May, 1971 (AAS 63-401)—English version in *T.P.S.,* 16 (1971),1 37-164. Annotations in *Scuola Cattolica,* 100 (1972), 116-132 (Guzzetti).

Paul VI, homily on occasion of the celebration of the 80th anniversary of the encyclical in the Vatican basilica, 16 May, 1971 (AAS 63-456)-English version in *T.P.S.,* 16 (1971),165-168.

Resurrection: Paul VI, allocution to members of an international symposium on the, of Christ, 4 April, 1970 (AAS 62-220)—English version in *T.P.S.,* 15 (1970).

SODEPAX: Paul VI, allocution to Ecumenical Committee for Society, Development and Peace on Christian contribution to the struggle against injustice, 27 June, 1970 (AAS 62-525).

Suffering: Church: Paul VI, allocution to general audience on sufferings of the Church today, 2 April, 1969 (AAS 61-267).

Unbelief: Paul VI, allocution (in English) on "The Culture of Unbelief' to participants in symposium at Rome, 27 March, 1969 (AAS 61-256).

UNESCO: 1971: Paul VI, written message to director of, on occasion of 4th International Literary Day, 5 Sept., 1971 (AAS 63-780). Paul VI, written message to director of, on occasion of the 25th anniversary of foundation, 1 Nov., 1971 (AAS 63-837)-English version in *T.P.S.,* 16 (1971),344-347.

1972: Paul VI, allocution to director of, at opening of Vatican Library biblical exhibit, 25 March, 1972 (AAS 64-303)—English version in *T.P.S.,* 17 (1972),47-50. Paul VI, written message to director of, on occasion of 5th International Literary Day, 4 Sept., 1972 (AAS 64-639).

United Nations: Paul VI, written message to the secretary general, U Thant, reviewing the past 25 years since the establishment of U. N., 4 Oct., 1970 (AAS 62-683)-English version in *T.P.S.,* 15 (1970),203-207.

Paul VI, allocution to secretary general, K. Waldheim, 5 Feb., 1972 (AAS 64-214); to U. N. conference on human environment, 1 June, 1972 (AAS 64-443)—English version in *T.P.S.,* 17 (1972),100-103.

United States: Paul VI, allocutions (in English) to President Nixon, 2 March, 1969 (AAS 61-242); 28 Sept., 1970 (AAS 62-625).

Paul VI, radio messages (in English) to Catholic school children of: exhorting them to Lenten sacrifices for the needy children of the world, 24 Feb., 1971 (AAS 63-229); to rouse their charity for the needy of the world, 16 Feb.. 1972 (AAS 64-232).

Paul VI, written message (in English) on occasion of Peter's Pence collection, 8 Jan., 1972 (AAS 64-309).

Paul VI, written message (in English) on occasion of celebration of 150th anniversary of establishment of the Society for the Propagation of The Faith in U.S.A., 22 Feb., 1972 (AAS 64-310).

Vatican Radio: Paul VI, allocution to staff of, on occasion of 40th anniversary' of its establishment, 27 Feb., 1971 (AAS 63-225).

Venice: Paul VI, allocution to priests and religious at St. Mark's in, stressing importance of civil and ecclesiastical tradition, 16 Sept., 1972 GV\S 64-604)—English version in *I.P.S.,* 17 (1972),242-247.

Vocations: *See* c. 487.
Workers: Paul VI. allocution to World Movement of Christian Workers, 8 April, 1970 (AAS 62-270).
World Evils: Paul VI. allocution to general audience on Wednesday of Holy Week. 25 March, 1970, on the Christian response to evil and suffering in the world (AAS 62-216)-Engiish version in *T.P.S.,* 15 (1970),22-26.
Year of Faith: Paul VI, solemn profession of faith at conclusion of, recited in front of St. Peter's, 30 June, 1968 (AAS 60-433)—English version in *T.P.S.,* 13 (1968),273-282.
Paul VI, written message to priests of the whole world, 30 June, 1968 (AAS 60-466)—English version in *T.P.S.,* 13 (1968),224-228; *Priest,* 24 (1969),583-587.
Paul VI, allocution to general audience referring back to the celebration of the "Year of Faith" earlier in the year and stressing need of faith today. 30 Oct., 1968; not published in *AAS* but in *O.R.,* 31 Oct., 1969-English version in *Catb. Mind,* 67 (Feb. 1969),61-64.
Young Presidents' Organization: Paul VI, allocution (in English) to members at 1st International Congress, 8 May, 1970 (AAS 62-438).

CANON 222

Christus Dominus: Interpretation of n. 38, §4 (Com. Cent., 10 June, 1966) AAS 60-361.

Question. Whether the legislative power which the decree, *Christus Dominus,* η. 38, §4, of Vatican II gave to episcopal conferences with certain limitations, can be delegated to episcopal commissions which are established by those very conferences?

Reply. The Central Commission for the Coordination of Post-conciliar Work and for the Interpretation of Conciliar Decrees, after mature consideration in its meeting held on 24 May, 1966, decided the reply should be: *In the negative.*

His Holiness, Pope Paul VI, in the audience granted to the undersigned on 10 June, 1966, confirmed and approved this decision.

Amicto I. Card. Cicognani.

AAS 60-361; Com. Cent., Reply, 10 June, 1966. Annotations in *Monti. Eccles.,* 94 (1969), 189-190 (Carbone).

Dei Verbum: Interpretation of VI, 21 (Com. Vat. II Interp., 5 Feb.. 1968) AAS 60-362.

Question. Whether in the words, "The Church has always venerated the divine Scripture *just as (sicut)* she venerates the body of the

Lord, since from the table of both the word of God and of the body of Christ she unceasingly receives and offer to the faithful the bread of life, especially in the sacred liturgy," of the dogmatic constitution on divine revelation, *Dei Verbum,* the adverb *"just as (sicut)"* isto signify that the veneration due to Sacred Scripture and the veneration due to the Holy Eucharist are the same, i.e., equal?

Reply. Veneration is to be given to both Sacred Scripture and the Lord's Body but in a different manner or ratio as is brought out in the constitution on the sacred liturgy, *Sacrosanctum Concilium,* n. 7,[1] the encyclical, *Mysterium Fidei,* of 3 Sept., 1965 (AAS 57 [1965], 764); the instruction of S. C. of Rites, of 25 May, 1967, *Eucbaristicum Mysterium,* n. 9,[2] *(AAS* 59 [1967], 547).

His Holiness, Pope Paul VI, in the audience granted to the undersigned on 5 February, 1968, confirmed and approved this decision and ordered that it be published.

P.Card. Felici, President.

AAS 60-362; Com. Vat. II Interp., Reply, 5 Feb., 1968. Annotations in *Monit. Eccles.,* 94 (1969), 193-195 (Carbone).

Ecclesiae Sanctae: Interpretation of I, 18 (Com. Vat. II Interp., 5 Feb., 1968) AAS 60-362.

Question. Whether, in view of n. 18, §1 of the apostolic letter, *Ecclesiae Sanctae,*[1] of 6 August, 1966, permission of the Apostolic See is still required, as was the practice up to the present, for the conferral of a nonconsistorial benefice on a man on whom the episcopal dignity has been conferred.

Reply. *In the affirmative,* because there is no question of the reservation referred to in the cited apostolic letter, n. 18, §1.

His Holiness, Pope Paul VI, in the audience granted to the undersigned on 5 February, 1968, confirmed and approved this decision and ordered that it be published.

P. Card. Felice, President.

AAS 60-362; Com. Vat. II Intcrp, 5 Feb., 1968. Annotations in Alonit. *Eccles.,* 94 (1969), 192-193 (Carbone).

1 Reported in *Canon Law Digest.* 6, p. 35.
2 Reported in *Canon Lain Digest, 6,* p. 525.
1 Reported in *Canon Law Digest,* 6, p. 264.

Ecclesiae Sanctae: Interpretation of I, 21 (Com. Vat. II Interp., 3 July, 1969) AAS 61-551.

The Fathers of the Pontifical Commission for the Interpretation of the Decrees of the Second Vatican Council, after the following question was proposed in its plenary session, decided to reply as follows:

Question. Who is the *competent authority* mentioned in the apostolic letter, *Ecclesiae Sanctae,* of 6 August, 1966, 1, n. 21 §3?*.

Reply. The competent authority is: the Holy See through its Council for the Public Affairs of the Church, if there is question of agreements entered into between the Apostolic See and the civil government; the bishop or, in higher matters, the Holy See through the competent Department in accord with the apostolic constitution, *Regimini Ecclesiae universae,*2 of 15 August, 1967, if there is question of agreements entered into or of acquired rights of any other physical or moral persons.

His Holiness, Pope Paul VI, in the audience granted to the undersigned on the 3rd day of July, 1969, ratified the above decision, approved it, and ordered that it be published.

AAS 61-551 ; Com. Vat. II Interp., Reply, 3 July, 1969.

Lumen Gentium: Interpretation of n. 29 (Com. Vat, II Interp.. 26 Mar., 1968; 4 April, 1969) AAS 60-363; 61-348.

Question. Whether a deacon who will not remain in that Order but wishes to advance to the priesthood, has the functions which are listed under n. 29 of the dogmatic constitution on the Church, *Lumen Gentium,* of 21 November, 1964, and under n. 22 of the apostolic letter, *Sacrum Diaconatus ordinem,*1 of 18 June, 1967?

Reply. *In the affirmative.*

His Holiness, Pope Paul VI, in the audience granted to the undersigned on 26 March, 1968, confirmed and approved this decision and ordered that it be published.

P. Card. Felici, President

'Reported in *Canon Law Digest,* 6, p. 277.
^Reported in *Canon Law Digest,* 6, pp. 324-357.
| Reported in *Canon Law Digest,* 6, pp. 577-584.

AAS 60-363; Com. Vat. II Interp., Reply, 26 Mar., 1968. Annotations in *Clergy Review,* 54 (1969), 711-713 (McReavy); *Monit. Eccles.,* 94 (1969), 196-197 (Carbone);Sa/ *Terrae,* 57 (1969), 636-640 (Regatillo).

Question. Whether, according to the apostolic letter, *Sacrum Diaconatus ordinem,* of 18 June, 1967, n. 22 in conjunction with the dogmatic constitution on the Church, *Lumen Gentium,* of 21 November, 1964, n. 29, the clause *when there is no priest present,* is required for the validity of the delegation which is given to a deacon to assist at a marriage?

Reply. *In the negative,* that is, the aforesaid clause is not required for validity.

His Holiness, Pope Paul VI, in the audience granted to the undersigned on 4 April, 1969, confirmed and approved the above decision and ordered that it be published.

AAS 61-348; Com. Vat. II Interp., Reply, 4 April, 1969.

Lumen Gentium·. Interpretation of n. 29 (S. C. Pub. Eccl. Neg., 21 May, 1968) Private.

Following is a reply from Cardinal Cicognani to the Archbishop of Freiburg im Breisgau, Germany.

In your letter of the fourth of last January to the Holy Father, you requested the necessary faculties so that deacons of your archdiocese, who have been legitimately ordained and are properly disposed, may exercise the Order of diaconate for a period of time before they are advanced to the priesthood, using the powers which are listed in n. 29 of the dogmatic constitution. *Lumen Gentium,* not excluding the right to assist at marriages in the name of the Church.

I have the pleasant duty of informing you that the question of the correct interpretation of the first part of n. 29 of that conciliar document and of its genuine and legitimate force was immediately proposed to the Pontifical Commission for the Interpretation of Conciliar Decrees of the Second Vatican Ecumenical Council for examination. Later, the said Commission replied *In the affirmative* to the question which was worded in this form: "Whether a deacon who will not remain in that Order but wishes to advance to the priesthood, has the functions which arc listed under n. 29 of the dogmatic constitution, *Lumen Gentium,* and under n. 22 of the apostolic letter, *Sacrum Diaconatus ordinem."*

The Supreme Pontiff has deigned to ratify this decision and has ordered that it be published in the *Acta Apostolicae Sedis'* as soon as possible. Therefore, the question must be considered resolved as far as the future is concerned.

On the other hand, with reference to marriages which were entered into before deacons in your archdiocese or in the suffragan diocese of Rottenburg before publication of the apostolic letter. *Sacrum Diaconatus ordinem,* issued *motu proprio* on 18 June, 1967, the said marriages, it seems, must be considered valid in accord with the prevailing law since common error can be legitimately invoked in their favor.

Nevertheless, the Supreme Pontiff is disposed to grant their radical sanation if such sanation is sought according to law and if Your Excellency and His Excellency of Rottenburg believe a sentence of sanation is necessary.

(Private); S. C. Pub. Eccl. Neg., Reply, 21 May, 1968; reported in *Archiv fur Kath, Kirch.,* 137 (1968), 153-154.

Perfectae Caritatis: Interpretation of n. 10, §2 (Com. Cent., 10 Feb., 1966) AAS 60-360.

Questions. I. Whether the Latin expression, *"Sacra Synodus declarat nihil obstare,"*[1] in n. 10, §2 of the decree, *Perfectae Cantatis,* of Vatican II implies positive approval of what follows; or does it rather manifest the mere possibility for all lay institutes to admit some members of holy Orders under certain conditions?

II. Whether or not in the cited conciliar text there is contained an explicit acknowledgement of a right of the General Chapter of each institute to pass judgment on the opportuneness of using the faculty referred to above?

Replies. The Central Commission for the Coordination of Post-conciliar Work and for the Interpretation of Conciliar Decrees, after mature consideration in its meeting held on 24 May, 1966, decided the reply should be:

To I: *In tbe negative* to the first part; *in the affirmative* to the second, i.e., that expression states only the simple possibility for all lay institutes to admit some members to holy Orders.

'Published in 4/IS (1968), 363; reported above under this same canon.

[1] "The sacred synod declares that there is no objection."

To II: *bi the affirmative* to the first part; *in the negative* to the second, i.e., the General Chapter of each institute has the right to pass judgment on the opportuneness of using the faculty referred to in the second part of the first question, provided the requirements of law arc observed.

His Holiness, Pope Paul VI, in the audience granted to the undersigned on 10 February, 1966, confirmed and approved this decision.

Amleto I. Card. Cicognani.

AAS 60-360; Com. Cent., Replies, 10 Feb., 1966. Annotations in *Alonit. Eccles.,* 94 (1969), 188-189 (Carbone).

Note: The dates given are correct according to the published text but there is a notable discrepancy between the date given for the replies and the date given for the meeting at which the replies were discussed, sc., 10 February and 24 May respectively.

Commission for Interpretation of Vatican II Decrees: Extension of Competency (Sec. St., 14 April, 1969) Private.

Our Holy Father—also out of consideration of the opinion expressed by Your Eminence in your note of last 29 March, n. 115/69—has provided that the competence of the said Commission be extended to the interpretation of the documents emanating from the Holy See for the execution of the conciliar decrees.

I hasten to communicate this to Your Eminence for your suitable knowledge and use.

(Private); See. St., letter, 14 April, 1969, Prot. N. 134634-, reported in *Communicationes, 2* (1970),78.

Optatam Totius: Interpretation of n. 7 (Com. Vat. II Interp., 11 Feb., 1972) AAS 64-397.

The members of the Pontifical Commission for the Interpretation of the Decrees of Vatican Council II were asked:

Which is the competent authority for the erection of the national or the regional seminary mentioned in n. 7 of the decree of the Second Vatican Ecumenical Council on priestly formation. *Optatam totius?*

Reply. The competent authority is the interested episcopal conference; its decision, however, must be approved by the Apostolic See.

His Holiness, Pope Paul VI, in the audience granted to the undersigned on the 11th day of February, 1972, ratified and approved the above decision and ordered that it be published.

AAS 64-397; Com. Vat. II Interp., reply, 11 Feb., 1972, ɳ. II.

Episcopal Conference: Conflicting provisions in Vatican II documents. *See* c. 292; Com. Vat. II Interp., 5 Feb., 1968.
National Federation of Priests Councils: Constitution of; reported in *The Priest,* 24 (1968), 519-525.
Pastoral Council: Specimen constitution and by-laws for; reported in *The Jurist,* 29 (1969). 190-198.
Pontifical Commission for the Interpretation of the Decrees of the Second Vatican Council: interpretations issued by, on matters not directly affecting Vatican II documents: *see* cc. 329; 1096.
Vatican I: Paul VI, allocution on occasion of centennial anniversary, 8 Dec., 1969 (AAS 61-788); Eng. vers, in *The Pope Speaks,* 14 (1969-70), 320-322.
Vatican H: Paul VI, ap. exhortation, *Quinque iam annt,* on occasion of 5th anniversary of close of, reminding bishops of Council's commitment to transmit the complete gospel message and to proclaim the basic doctrines of the Catholic faith; also pointing out relationship of theologians and scriptural scholars with regard to teaching office of the Church, 8 Dec., 1970 (AAS 63-97)—English version in *Cath. Mind,* 69 (March 1971),48-55: *T.P.S..* 15 (1970),324-332. Annotations in *Monit. Eccles.,* 96 (1971), 16-20 (Betti).

CANON 230

Dress, Titles and Coats-of-Arms of Cardinals, Bishops and Lower Prelates (Sec. St., 31 Mar., 1969) AAS 61-334.

The Secretariat of State issued the following instruction. *Ut sive sollicite,* "regarding the dress, titles and coats-of-arms of cardinals, bishops and prelates of lower rank."

In order to discharge diligently his responsibility of keeping watch over the universal Church as well as reduce to practice the indications and proposals of the Second Vatican Ecumenical Council, the Supreme Pontiff, Paul VI, has not neglected to turn his attention also to certain external forms of ecclesiastical life so that he can also adjust them better to the changed circumstances of the times as well as relate them more appropriately to the greatest good of souls which those forms arc supposed to signify and foster.

This is a matter which especially disturbs the modern mentality and in which, while avoiding extremist tendencies on either side, there is need to accommodate correctness and dignity to simplicity,

practicality and, finally, to a spirit of humility and poverty which should distinguish especially those who, since they have been invested with ecclesiastical offices, have thereby received a definite responsibility to render service to the People of God.

As a result, led on by such reasons, the Supreme Pontiff during these last two years has taken special care to have some norms issued regarding the dress and other prerogatives of cardinals (cf. decree of the S. Ceremonial Congregation, 6 June, 1967, Prot. N. 3711). Then on 28 March, 1968 he issued, *motu proprio,* his apostolic letter, *Pontificalis Domus,*[2] on the new regulations for the papal household.

Furthermore, on 21 June, 1968, he issued another *motu proprio* apostolic letter, *Pontificalia insignia,* on pontifical insignia to which was appended a decree from the S. Congregation of Rites on the same subject issued on the same date with the number R.32/968.

However, since the Supreme Pontiff has lately wished to make broader changes in the dress, titles and coats-of-arms of cardinals, bishops and prelates of lesser rank he ordered a special commission of cardinals and his Secretary of State to study the matter diligently while keeping in mind the proper role of tradition, the usage of our times and the greatest good of souls which in any way is intertwined with current ways of life, even though they be external and passing.

This instruction has resulted from those conferences and the Supreme Pontiff in a conference with me, the cardinal for the public affairs of the Church, on the 28th of March of this year, approved it and ordered that it go into effect on the 13th of April of this year, i.e., on Low Sunday.

All things to the contrary notwithstanding, even those worthy of special mention.

PART I

DRESS

A. *Cardinals of the Holy Roman Church:*

1. The following continue in use: the cassock of red wool or like material together with the sash, lining, stitching and buttons – all of

[1] Reported in this volume under canon 328.

[2] Both documents arc reported in this volume under canon 337. The month given in the Latin text is July but the month on both original documents is June.

red silk. The mozzetta is to be of the same material and color but without the small hood.

The pallium or mantellctta is abolished.

2. Also remaining in use is the black cassock with trimmings, lining, stitching, buttonholes and buttons of red silk but without the cuffs.

Over this dress it is allowed to wear the elbow-length cape trimmed in the same way.

3. With both the red and the red-trimmed black cassock must be worn a red sash made of watered silk and decorated with silk fringes at both ends. On the other hand, the sash with tassels is abolished.

4. When the red cassock is worn, red hose are also used. However, when the red-trimmed black cassock is worn, the use of red hose is completely optional.

5. The usual or daily dress may be a cassock without the red trim. When a black cassock is worn, so also are black hose. The red rabat and the skullcap of red watered silk may be worn even with a cassock not having red trim.

6. A biretta of red watered silk may be used only with choir dress and not as the usual head covering.

7. Use of the very full cloak of red watered silk [feraiolone] is no longer prescribed for papal audiences and those ceremonies which are performed in the presence of the Supreme Pontiff. Its use is optional in others cases but is reserved to more solemn occasions.

8. The very large red woolen cloak [tabarro] is abolished; in its stead a becoming black cloak can be substituted; a small cape may be added to it.

9. The red hat [galero] and the red felt hat are abolished. However, the black felt hat continues in use. If circumstances warrant it, the hat may be decorated with red and gold cords and tassels.

10. The use of red shoes and of buckles as well as of silver buckles on black shoes is suppressed.

11. The rochet of linen or like material continues in use. However, the surplice [cotta] is never to be worn over the rochet.

12. The *coppa magna* minus the weasel fur, i.e., without ermine, is no longer prescribed and can be used only outside Rome on very solemn occasions.

13. The use *of* cord and of chain is retained for supporting the pectoral cross. However, the cord is worn only when the red cassock or sacred vestments are worn.

B. *Bishops*

14. Just as was set down regarding the dress of cardinals, bishops retain the purple cassock, the mozzetta but without the small hood, and the black cassock with red piping, buttonholes, buttons and trimming.

The mozzetta may be worn anywhere, even by titular bishops.

The purple pallium or mantelletta is abolished.

The black cassock with red piping and other decorations is no longer prescribed as ordinary dress. Over the cassock the small cape may be worn.

15. As regards the purple silk sash, hose, ordinary dress, rabat, skullcap, biretta, the very full cape of purple silk [ferraiolonc], the very large purple woolen cloak [tabarro], buckles, rochet, *cappa magna,* cord and chain for the pectoral cross, the norms set down in nn. 3-8 and 10-13 will be observed.

16. Use continues in force for the felt hat decorated with green cord and tassels. It will be the same for all bishops, titular as well as residential.

17. Bishops chosen from religious orders or congregations will, no less than other bishops, make use of the purple cassock and the cassock with or without piping and with the buttons, buttonholes and trimmings all of red.

C. *Lesser Prelates*

18. The greater prelates of the Roman Curia departments who do not have the rank of bishops, the auditors of the Sacred Roman Rota, the Promoter General of Justice, and the Defender of the Bond in the Supreme Tribunal of the Apostolic Signatura, Protonotaries Apostolic *"de numero,"* papal chamberlains and domestic prelates retain the purple cassock, purple mantelletta or cloak, the rochet, the cassock with red piping and other decorations without the little cape, the purple sash with silk fringes at both ends, the ver}' full purple cloak — whose use, however, it not obligatory — and the red pompon on the biretta.

The silk sash with tassels, the purple hose and the buckles on shoes are all suppressed.

19. As far the supernumerary protonotaries apostolic and the honorary prelates of His Holiness, the purple mantellcta, the silk

sash with tassels, the purple hose, the buckles on shoes, and the red pompon on the biretta are all abolished.

However, retained are the purple cassock, the black cassock with red piping and other decorations but without the little cape, and the silk sash with fringes. If need be, an unplcated surplice instead of the rochet will be worn over the purple cassock.

The purple cloak, although not obligatory, is retained for supernumerary protonotarics apostolic but not for honorary prelates of His Holiness.

20. Chaplains of His Holiness continue to use the black cassock with its piping and other decorations as well as the purple silk sash. These must be worn at sacred ceremonies.

The purple cassock, the purple cloak with its two wings [mantellone], the tasseled sash and the shoe buckles are abolished.

PART II

TITLES AND COATS-OF-ARMS

21. The so-called kinship titles which the Supreme Pontiff employs in reference to cardinals, bishops and other ecclesiastics will, respectively, be only the following: "Our Venerable Brother"; "Venerable Brother"; "Beloved Son."

The titles "Eminence" and "Excellency" may still be used for cardinalsand bishops respectively. Both titles may be conjoined with the adjective "Most Reverend."

23. However, when a cardinal or bishop is addressed either orally or in writing, the first may be called "Lord Cardinal" and the second by the Italian title "Monsignor."

24. The title, *Monsignor,* when used in dealing with bishops, may be conjoined with the adjective "Most Reverend."

25. Also for the prelates mentioned in n. 18, the title, *Monsignor,* may be used together with the adjective "Most Reverend."

The Dean of the Sacred Rota and the Secretary of the Supreme Tribunal of the Apostolic Signatura can be addressed by the title "Excellence" but without the addition of the qualification "Most Reverend." The same address may also be used for the Vice-Chamberlain of the Holy Roman Church.

26. Supernumerary protonotarics apostolic, honorary prelates as well as chaplains of His Holiness may be addressed with the title

Monsignor, which, if circumstances warrant it, can be preceded by the adjective "Reverend."

27. When official letters arc written, the words "kissing the sacred purple" and "kissing the sacred ring" may be omitted.

28. It is permitted that cardinals and bishops may use coats-of-arms. However, the appearance of the coat-of-arms must be drawn up in accord with the norms of the art of heraldry and must be simple and clear. Moreover, representation of the crosier and mitre on the coat-of-arms is suppressed.

29. Cardinals are permitted to see to it that their coat-of-arms is displayed on the front of the church which constitutes their title or diaconate. However, the picture of the cardinal is to be removed from the lower section of the church which is his title. On the other hand, authorization is granted that near the main door of the aforesaid church the name of the cardinal whose title it is, may be inscribed in a suitable format which harmonizes well with the style of the sacred edifice.

ADITIONAL PROVISIONS

30. With regard to the dress and titles of cardinals and patriarchs of the Oriental rite, the usage proper to each rite will be observed.

31. Patriarchs of the Latin rite who are not decorated with the Roman purple, arc to wear the same dress used by other bishops.

32. Papal legates, whether endowed with the episcopal dignity or not, should accommodate themselves to the norms which have been prescribed above for bishops. In his see territory, however, each legate may wear the sash, skullcap, biretta and very full cloak of watered silk. Only those legates, on the other hand, who are possessed of the episcopal dignity, will be addressed by the title "Venerable Brother," as has been set down above in n. 21.

33. Prelates and abbots *nullius,* administrators apostolic, vicars and prelates apostolic, who do not possess the episcopal dignity, may wear the same dress as other bishops.

34. With reference to manners of address, episcopal conferences can issue appropriate laws which correspond to the usage of each region provided, however, that due consideration is had of the norms and regulations contained in this instruction. H

35. Finally, as regards the dress and titles of canons, beneficiaries and pastors, suitable prescriptions will be issued later by the S. Congregation for the Clergy but will be accommodated to the

criteria of this instruction, that is, they will all be reduced to a more simple form.

Given at the Vatican, the 31st day of March, 1969.

AAS 61-334; Sec. St., Instruction, 31 Mar., 1969.

Cardinal: Age Limit for Exercise of Major Functions (Paul VI, 21 Nov., 1970) AAS 62-810.

Following is the *motu proprio, Ingravescentem aetatem,* in which "is established the maximum age for the exercise of functions of greater moment."

The natural relationship existing between advancing age and ability to fulfill certain offices of greater moment such as those of diocesan bishops and pastor was treated by the Second Vatican Ecumenical Council in its decree, *Christus Dominus.*1 And We Ourselves, putting into effect the wishes of the conciliar Fathers by Our apostolic letter, *Ecclesiae Sanctae,* issued on Our own initiative on 6 August, 1966, invited bishops and pastors voluntarily to resign their office of governing a diocese or a parish *no later than their seventy-fifth birthday.*2

The same issue regarding age is touched on in the general regulations of the Roman Curia, commonly called *Regolamento Generale della Curia Romana,* which We approved and ordered published on 22 February, 1968, where it is stipulated that major and minor officials arc to retire from office when they have completed their seventieth year and prelates superior when they begin their seventy-fifth year.3

Now, however, it seems to Us that the highest good of the Church demands that advancing age also be considered relative to the distinguished office of the cardinals to which We not once only have devoted special attention. As a matter of fact, it is an office which has especially serious functions and demands great prudence both because of its altogether unique connection with Our own very high function relative to the service of the whole Church and because of the very great importance which, when the Apostolic See is vacant, accrues to the said office for the Church universal.

Cf. nn. 11 and 20, § 3; *Canon Law Digest, 6.* pp. 271 and 277 respectively.

Ci. art. 101, §1; complete document reported in this volume of *Canon Law Digest* under canon 242.

Consequently, after long and mature consideration and always trusting also in the counsels and prayers of all the cardinals, without distinction, as regards the future, We set down the following:

1. Cardinals, whether in charge of departments of the Roman Curia (treated of in art. 1 of the *Regolamento Generale della Curia Romana)* or of other permanent institutes of the Apostolic See and Vatican City, arc requested, when they have completed their seventy-fifth year, to tender their resignation from office to the Supreme Pontiff who, after having duly considered everything in each individual case, will decide whether it is advisable to accept the resignation at once.

II. Cardinals, when they have completed their eightieth year of age:

(1) cease to be members of the departments of the Roman Curia and other institutes mentioned in the preceding article.

(2) lose the right to elect the Roman Pontiff and, as a result, the right to enter the conclave. On the other hand, if a given cardinal completes his eightieth year of age during a conclave, he continues for this occasion to enjoy the right to elect the Roman Pontiff.

III. What is set down in the above articles I and Π, η. 1 has force even if the five-year period referred to in art. 2. §5 of the apostolic constitution, *Regimini Ecclesiae universae,*[4] has not yet run out.

IV. The prescription of art. II above is likewise applicable to cardinals who, upon completion of their eightieth year of age. continue, by way of exception, to preside over some diocese or merely to retain its title without the task of governing it.

V. Even though cardinals have completed their eightieth year of age, they remain members of the sacred college as regards all other effects and retain all other rights and prerogatives connected with the office of cardinal, not excepting the right to participate in the general and particular congregations which, during the vacancy of the Apostolic See, happen to be held prior to the start of the conclave.

VI. But if, because of extraordinary circumstances, it happens that the cardinal camcrlcngo of the Holy Roman Church or the cardinal major penitentiary continues in office until his eightieth year of age, the following is stipulated.

(1) If he completes his eightieth year in the interval preceding the death of the Roman Pontiff at which time a successor of neither one has as yet been appointed, or in the interval following the death of

4Cf./t4S 59 (1967),891; *Canon Law Digest,* 6, p. 325.

the said Roman Pontiff but before the beginning of the conclave, the sacred college which has been duly assembled during the vacancy of the Apostolic See, will elect by vote a successor who will remain in office until the election of the new Supreme Pontiff.

(2) On the other hand, if he completes his eightieth year during the conclave, his term of office is extended by the law itself until the election of the new Supreme Pontiff.

VII. If the dean of the sacred college is not present at the conclave because he has completed the eightieth year of his age, the subdean discharges the functions of that office or, if he also is absent, another of the senior cardinals in accordance with the general order of precedence.

VII. A system similar to that contained in the preceding art. VII, will be followed, if the case warrants, it, in the discharge of the functions which by law are given in the conclave to the cardinals who are heads of the orders of cardinal.

Temporary norm. Those who presently arc members of the sacred college and have already completed their eightieth year of age on the day this apostolic letter goes into effect, may, if they wish, attend, with the right to vote, the plenary and ordinary congregations of the departments of the Roman Curia.

What We have decreed in this apostolic letter shall begin to have force from the first of January in the year 1971.

Therefore, what We have decreed in this letter, issued on Our own initiative, We order to be held as ratified and firm, all things to the contrary notwithstanding, even those deserving very special mention.

Given at Rome, from St. Peter's, the 21st day of November, in the year 1970, the eighth of Our Pontificate.

AAS 62-810; Paul VI, *tnotu proprio,* 21 Nov., 1970.

CANON 233

New Cardinals: In the secret consistory of 28 April, 1969, Paul VI announced the creation of 35 new cardinals: 24 in the Order of Priests; 9 in the Order of Deacons; 2 remained *in pectore* (AAS 61-393).

Allocution of Paul VI at combined public and semi-public consistory 28 April, 1969 (AAS 61-425); Eng. vers, in *The Pope Speaks,* 14 (1969-70), 157-164.

Rite: For imposition of red biretta and for assignment of titular church, reported in *Notitiae,* 5 (1969), 289-291.

CANON 240

Relationship of Cardinals to Their Titular Churches (Paul VI, 15 April, 1969) AAS 61-226.

Following is the *motu proprio, Ad hoc usque tentpus.*

Up to this time, in the churches of this city which cardinals have been holding as a titular church or as a *diaconia,* they have possessed faculties pertinent to the administration of such a church. The reasons for such faculties were founded in the pastoral office or in the good government of Our Diocese of Rome but it now seems that their abrogation is advisable.

We think this is directly in keeping with what Our predecessor of venerable memory, John XXIII, set down regarding the titles of suburbicarian sees in his apostolic letter, *Suburbicariis Sedibus,*[1] issued *ntotu proprio* on 11 April, 1962, and with what We Ourselves prescribed (cf. n. 15, b) in Our apostolic letter, *Romanae diocesis,*[2] issued *motu proprio* on 30 June, 1968, which looked to the conferral of benefices in minor and collegiate basilicas which have been assigned to cardinals as titulars, as they are called.

Wherefore, by this letter which We are publishing on Our own initiative, We decree the following:

I. It is up to the cardinals, by counsel and by patronage, to promote the good of the churches which they have received as a titular or as a *diaconta* after they have taken canonical possession of them. However, they have no jurisdiction over them; neither can they in any way interfere in matters which pertain to the administration of property, discipline, correction of abuses, or the service of the church.

II. If cardinals intend to do anything in their titulars or *diaconias* beyond the limits set down above, they must take counsel on the matter with the Cardinal Vicar of Rome or with the legitimate religious superior if there is question of a church which belongs to an exempt clerical religious institute. /3

III. In as far as need be, canons 240, §2, 1414, §4 and 1432, §1 of the Code of Canon Law are abrogated.

IV. What We have decreed by this apostolic letter, will begin to obtain from the twenty-eighth day of this month.

1 Reported in *Canon Law Digest,* 5, p. 270.
2 Reported in this volume under can. 1435.

What We have decreed by this letter, issued on Our own initiative. We order to be ratified and firm in its entirety, all things to the contrary notwithstanding, even those deserving of most special mention.

Given at Rome, from St. Peter's, the 15th day of the month of April in the year 1969, the sixth of Our pontificate.

AAS 61-226-, Paul VI.Afotu *proprio,* 15 April, 1969.

CANON 242

General Regulations of the Roman Curia (Sec. St., 22 Feb., 1968), AAS 60-129.

As was announced in n. 12 of the apostolic constitution, *Regimini Ecclesiae universae,*[1] a set of common norms for regulating the Roman Curia was to be published. They are as follows.

PART I 7

THE PERSONNEL

Title I

General Direction and Organization

Chapter I: *General Direction*

Art. 1. The Roman Curia is composed of the following Departments: the,;Se£rctariaL of_SLitc or PapaL_SccLei2Lria.L and the Council (Sacred Congregation) for the Public Affairs of the Church^Sacred Congregations, Tribunals, Offices, Secretariats,'the Council for the Laity, and the Commissions of Studies: "Justice and **Peaces in** accord with the norm of the constitution. *Regimini Ecclesiae universae,* n. 1, §1.

Art. 2. §1. Each Department is headed by a cardinal who is assisted by a prelate superior who has the immediate direction of the office, and by officials of greater and lesser rank.

1 Reported in *Canon Law Digest,* 6, p. 357.

§2 Prelate superiors are divided into two classes:

First class: the Substitute of the Secretariat of State, the secretary of the Council for the Public Affairs of the Church, the secretaries of the Sacred Congregations, the secretary of the Supreme Tribunal of the Apostolic Signatura, the secretary of the Prefecture for Economic Affairs of the Holy See, the secretary of the Administration of the Patrimony of the Apostolic Sec.

Second class: the regent of the Apostolic Penitentiary, the regent of the Apostolic Chancery, the prefect of the Apostolic Palace, the secretaries of the three Secretariats, of the Council for the Laity, and of the Pontifical Commission "Justice and Peace."

§3. in the Sacred Roman Rota the functions of prelate superior are exercised by the dean and, when he is prevented from functioning, by the auditor who immediately follows him in the line-up of the deanery. Extraordinary measures are entrusted to the College of Auditors.

§4. The prelate superiors of the Departments of the Holy Sec, within their class, are equal among themselves both in the dignity of office and as regards economic matters.

Chapter II: *Organization and Distinction of Personnel*

Art. 3 §1. 1) In each Department, the tasks are performed by the major and minor officials in the number set down in the organizational chart deposited with the competent administrative department.

2) The organizational charts, their updating and eventual modification are worked out by the individual departments and presented to the Secretariat of State which submits them to the Holy Father for approval and, thereafter, entrusts them to the competent administrative department.

3) Once the charts are approved, they are to be complied with by all and without express and antecedent pontifical approval, arc not to allow new changes of personnel which were not contemplated in them.

§2. Major officials are divided into two classes:

First Class the assessor of the Secretariat of State, the undersecretaries, the delegates of the two sections of the Administration of the Patrimony of the Apostolic Sec, the auditor general and the promoter general of the faith of the Sacred Congregation of Rites, the promoter of justice of the Sacred Congregation for the Doctrine

of the Faith and of the tribunal of the Sacred Roman Rota, the defender of the bond of the tribunal of the Sacred Roman Rota, the regent of the Prefecture of the Apostolic Palace.

Second class: the reporter general of the Sacred Congregation of Rites, the subpromoter general of the faith of the Sacred Congregation of Rites, the substitutes of the promoter of justice and of the defender of the bond of the Sacred Roman Rota, the directors or heads of the offices into which the various departments segment themselves in accordance with their own internal regulations, the delegates of the Secretariat for Christian Unity.

§3. Minor officials arc divided into three grades, each of which is subdivided into first and second class:

First grade (academic degree: doctorate or equivalent university degree): *Copyists (Minutanti)* or their equivalents; academic assistants, notaries public of tribunals, attachés of the Prefecture of the Apostolic Palace.

Second grade (academic degree: doctorate or specialist's diploma): *Attaches (Addetti)* or their equivalents: archivists, administrative attachés, machine-operating technicians in the General Statistics Office.

Third grade (academic degree: diploma): *Writers* or their equivalents: protocolists, dispatchers, distributors.

§4. 1) The Prefecture for Economic Affairs, the Administration of the Patrimony of the Apostolic Sec in both its sections, the other autonomous administrative departments, the Sacred Roman Rota, the Apostolic Vatican Library, and the Sacred Vatican Archives have their own organizational patterns.

2) The promoter general of justice and the defender of the bond of the Apostolic Signatura are equated with the auditors of the Sacred Roman Rota in dignity of office and in economic matters.

3) The Secretariat of State and the Council for the Public Affairs of the Church as regards the personnel on both the diplomatic roster and the "administrative" roster, have their own organization which is not substantially different from that of the other departments.

4) The personnel on the diplomatic roster, that is, set aside for service abroad, depends upon the Secretariat of State in what pertains to nomination, promotion, discipline, discharge, and transfer. The Secretariat acts in concert with the Council for the Public Affairs of the Church in the preparatory stages of nomination and transfer of the mission heads and of the personnel on the diplomatic roster as well as for authorization of discharge of mission heads.

§5. The basis for equal compensation is equal correspondence of class and grade.

Art. 4. The employment of personnel for extraordinary work is up to the cardinal prefect in agreement with the competent administrative department and is to be on a contractual basis which is to last for a year at the most.

Art. 5. §1. In accord with art. 34 of the present regulations, each department will also have lay persons as subaltern assistants to render service as guards, janitors and, in general, as domestics in the number set down in the organizational chart deposited with the competent administrative department.

§2. The subaltern personnel are divided into three grades:

First grade·, clerks; *second grade·,* caretakers or doorkeepers; *third grade:* assistants.

§3. The appropriate functions and financial compensation correspond to each of the individual grades.

Title II

Engagement and Nomination of Personnel

Art. 6. §1. Pontifical representatives, prelate superiors, auditors of the Rota and major officials are nominated by the Supreme Pontiff.

§2. The acts relative to all pontifical nominations arc drawn up by the Secretariat of State.

Art. 7. §1. Minor officials are engaged by the cardinal prefect within the organizational limits of the department after he has heard the opinion of the prelate superior and after he has obtained the approval of the Supreme Pontiff.

§2. The officials, both major and minor, arc chosen from different nations in accord with the norm of the constitution, *Regimini Ecclesiae universae,* η. 3.

§3. With reference to merits, those candidates will be especially taken into consideration who are proposed by the episcopal conferences and who, if they are priests, possess some pastoral experience and provided that they are endowed with the necessary qualifications and with specialized preparation.

§4. It is within the power of the cardinal prefect to set up competitions for the three grades of minor officials.

Art. 8. §1. Io engage minor officials, the following qualifications arc necessary:

1) an age not less than 24 years nor more than 35; unlimited deferment for those who are subject to military service.

2) good physical health.

3) membership in an upright and religious family.

4) complete legal capacity.

5) immunity from penal action.

6) good religious conduct, both moral and civil, attested to by his respective Ordinary or, if he is a lay person, by his respective pastor.

7) if they are priests, no hindrance on the part of the respective Ordinary or of the Rome vicariate, or of the competent department.

8) suitability discovered from the outcome of competition.

9) adequate academic degree, and, therefore:

a) for copyists and their equivalent: doctorate in sacred theology or in canon law or an equivalent university degree according to the exigencies of the different departments. They should also have a good knowledge of the Latin language and, over and above Italian, of at least one modern language in accord with n. 10 of the constitution, *Regimini Ecclesiae universae,* and be in possession of another lesser degree as required by each department.

b) for attachés and their equivalent: a doctorate or specialist's diploma. For archivists: an archival and diplomatic diploma – by preference, acquired by attendance at the School of Vatican Archives. For administrative attachés: a diploma in accounting. For technicians: a pertinent diploma issued by a competent institute.

c) for writers: a typist's or secretary's diploma.

§2. To engage members of religious and secular institutes, special dispositions, equal for all departments, obtain.

Art. 9. §1. Engagement within the same department is forbidden for those who, according to canonical computation, are related by blood in the first or second degree or by marriage in the first degree.

§2. With reference to major officials who make up part of one and the same department, it is fitting that they not be chosen from the compatriots of the cardinal prefect unless there are special exigencies suggesting otherwise.

Art. 10. Before being engaged, the candidate should be acquainted with the special norms of the respective department and make a declaration, written and signed, that he obligates himself to observe them.

Art. 11. An official who, without justifying reason, does not assume service by the date set in his letter of engagement, is considered to have resigned as provided for in art. 98, n. 1 of the present regulations.

Art. 12. The official who has been engaged must make a profession of faith and promise *to discharge his office faithfully and observe secrecy* in the presence of the cardinal prefect or of the prelate superior in accord with the formulas to be found in the appendix.

Art. 13. §1. Minor officials and subalterns are engaged on probation for a period of at least one year but not beyond two years.

§2. During the probationary period, the candidate receives financial compensation which corresponds to the class or grade to which he can be assigned as provided for in art. 14 of these regulations.

§3. During the probationary period, the candidate can be dismissed at the discretion of the cardinal prefect after the latter has heard the prelate superior and the major officials of the first class. There remains the obligation to reimburse him for deductions in salary and for expenses equal to a month's salary for each year or fraction of a year of service rendered.

Art. 14. When the probationary period is terminated, minor officials who have a doctorate or an equivalent university degree ora specialist's diploma will be assigned to the second class of the second grade; officials not in possession of such academic degree will start out by being assigned to the second class of the third grade.

Art. 15. The probationary period enters into computation for purposes of precedence, seniority of service, and eventual retirement procedure.

Art. 16. At the termination of the probationary period passed in a praiseworthy manner, the cardinal prefect, after having obtained the opinion of the competent administrative department and the antecedent approval of the Supreme Pontiff, proceeds to nominate the minor official with an appropriate document and to communicate the list of nominations to the competent administrative department.

Similarly, at the end of the probationary period passed in a praiseworthy manner, the cardinal prefect proceeds to the nomination of a subaltern after having obtained the opinion of the competent administrative department.

Art. 17. §1. Subalterns arc engaged by the cardinal prefect within the organizational limits of each department as provided for in art. 16.

§2. To engage subalterns, they must have the qualifications mentioned above in art. 8, numbers 1 to 6, as well as at least a diploma from the qualifying school.

§3. A person is not considered as engaged within the subaltern personnel of a given department if he has a title of private service because of performing his work for the cardinal prefect, the prelate superior, or for the officials of the same department and limiting him to that private service.

Art. 18. §1. Subalterns, for their juridical status, depend upon the competent administrative department; for their activity within the department they depend on the prelate superior. Moreover, they should never be employed for private business during office hours.

§2. Articles 9, 10 and 11 of the present regulations are also applicable to subalterns.

Art. 19. Subalterns must make the promise to observe secrecy and to fulfill faithfully the duties of their office according to the formula to be found in the appendix. Moreover, they must make a promise to be an example of Christian living.

Title III

Promotion, Transfer, Termination

Art. 20. §1. When a position in the organization becomes vacant, promotions are made according to the needs of the office. The only norm is the objective and specific fitness for the position under consideration and every other form of criterion is omitted, including that of seniority in service.

§2. Promotion can take place only from an immediately lower class and grade to a higher level but without prejudice to the provisions of art. 8, n. 9.

§3. In accord with no. 4 of the constitution, *Regimini Ecclesiae universae,* no official can claim rights for promotion to a higher class or grade.

Art. 21. The decision to promote a person is communicated in writing by the head of the department to the competent administrative department and to the interested party.

Art. 22. §1. With the previous approval of the respective cardinal prefect, minor officials can be transferred from one department to another but without loss of grade.

§2. The change is announced in writing to the competent administrative department by the cardinal prefect who receives the official, and to the interested party by the head of the department from which the said official is being transferred.

Art. 23. §1. Prelate superiors who have entered the seventy-fifth year of their age or who at an earlier age have not been confirmed in office as provided for in n. 2, §5 of the constitution, *Regimini Ecclesiae universae,* lose their office.

§2. If at the time of termination of office they enjoy the rights set down in the *Regulations Regarding Persons,*[2] they receive the financial compensation established by the norms of the said *Regulations.* If they do not enjoy the aforesaid rights, they will be assigned a special compensation determined by the competent administrative department in accord with the particular criteria of equity which are set forth in an appendix at the end of the *Regulations Regarding Persons.*

Art. 24. §1. Officials, both major and minor, when they reach their seventieth year of age, will be eligible for retirement without prejudice to the provisions of articles 1-19 of the *Regulations Regarding Persons* issued on 22 December, 1963.

§2. Auditors of the Sacred Roman Rota are governed by its own special norms in matters of retirement. Furthermore, article 4 of the aforementioned *Regulations* is applicable to them and to ecclesiastics who leave curial service because of appointment as auditors of the Sacred Roman Rota.

Art. 25. If there is no provision in the organizational chart, precedence among major and minor officials of the same department is determined by date of acquisition of grade and class if there is equality of grade and class; by the date of priestly ordination if there is parity of those dates·, by age if there is parity of priestly ordination date.

Title IV

Powers of Personnel Members

Art. 26. [he cardinal prefect has the overall and actual direction ot the department and supervises all its activity according to the internal regulations (cf. art. 2, §1.).

Art. 27. I he prelate superior, acting on his own responsibility and in accord with the directions of the cardinal prefect:

1) coordinates the various services; assigns functions to each official; studies matters of greater importance; sees to the prompt dispatch of

[2] Not published in *AAS.*

office business; and checks the composition of the pertinent letters and replies; maintains discipline; enforces observance of the present regulations and of the norms of the department.

2) submits proposal to the consultors for their study where their vote is necessary; convokes the council, when necessary, and presides over it.

3) attends both the *ordinary* and *plenary* sessions; draws up minutes of them; takes note of the resolutions and makes a report of them for the Supreme Pontiff. Whenever he is invested with the episcopal character, he attends the *ordinary* and *plenary* sessions with voting right. In this case, the functions of secretary are discharged by the undersecretary of the department.

4) presides at the assemblies if the cardinal prefect is absent.

5) with the cardinal prefect, signs the acts of the department.

6) communicates to the Ordinaries those decrees which are of interest to their respective dioceses; this is done before the decrees become public.

7) transmits to the administrative office of *Acta Apostolicae Sedis* copies of those decrees which must be promulgated.

8)refers to the cardinal prefect whatever requires notice to another department or must be remitted to it or which is outside the limits of ordinary business or requires special handling.

Art. 28. §1. Major officials of the first class render assistance to the prelate superior and, according to the norms of the respective department, take his place if he is absent or impeded. Moreover:

a) they have the immediate supervision of the office or of their own section and they exercise this vigilance according to the directives of the prelate superior and the special norms of the department.

b) with previous authorization — even general — of the prelate superior, they sign clearly determined acts of minor importance.

§2 If the situation mentioned above in art. 27, 3) materalizes, the subsecretary of the department functions as secretary at *ordinary* and *plenary* sessions.

Art. 29. §1. The directors or heads of office have the immediate responsibility of the offices into which each department or its sections arc segmented. Moreover:

a) they render assistance to the prelate superior by coordinating the work of the sector entrusted to them and by collaborating with their colleagues.

b) they attend the congress according to the norms of art. 123 of these regulations.

§2. The copyists and academic attachés have the following tasks:

a) to study the matters relative to the sector entrusted to them.

b) to attend the congress according to the norm of art. 123 of the present regulations.

c) to prepare the draft of letters and replies for matters entrusted to them but with dependence on the major officials.

d) to compile the office record and the summary of acts and documents when the business must be brought before an *ordinary* or *plenary* session. They supply those observations in law and in fact which arc necessary or at least useful for the just resolution of the case.

§ 3. In the distribution of work, the usual criterion to be followed is a division of the territory conjoined with a division of the matter so as to have a personnel which is better informed on the needsand conditions of the various countries.

Art. 30. The archivists should maintain order in the archives and the protocolists should take care of protocol business according to the established norms together with the uniform regulations for all departments which are found in the appendix of the present general regulations.

Art. 31. §1. The offices of distributor, protocolist and dispatcher, or of distributor and dispatcher can be combined at the discretion of the superior.

§2. The office of distributor can be combined not only with the functions of dispatcher but also of cashier where this office exists.

Art. 32. If necessary, in each department the office of cashier shall be distinct from that of accountant.

Art. 33. Writers have the task of copying the letters and replies of the department and whatever else is entrusted to them by the superior.

Art. 34. The subaltern personnel have the job of sending or delivering letters and messages, of looking after the premises, taking care of room orderliness before the officials assemble and after they depart, carrying out the tasks entrusted to them by superiors – all this in favor of the department to which they pertain.

Title V

Duties of Personnel Members

Art. 35. All should be conscious of the service which they render to the Pope and which they should discharge with a sense of respon-

sibility and with Christian charity in favor of everybody who has recourse to the Apostolic See.

Art. 36. Everybody, officials as well as subalterns, without special compensation and in accord with the wishes of superiors, will substitute for and work together in a brotherly way with their own colleagues if an absence occurs or some impediment or in a case of departmental need.

Art. 37. In an urgent case or in special circumstances, officials, if the superior so decides, will complete at home work which they were not able to conclude at the office. Moreover, they should take care of any office function which may be entrusted to them, even if it is outside their ordinary assignment.

Art. 38. Priests are obliged to wear the cassock in the office.

Art. 39. §1. Officials and subalterns are bound to strict observance of official secrecy.

§2. Any kind of violation of pontifical secrecy relative to the obligation spelled out in special instructions, carries with it dismissal from office in addition to other sanctions provided for in the said instructions. Every violation of ordinary secrecy relative to other matters, carries with it the sanctions mentioned in articles 61-62 of the present regulations.

Art. 40. Officials and subalterns arc forbidden:

1) to remove documents or to take personal notes or jottings regarding the affairs of the Roman Curia.

2) to absent themselves without permission of the superior.

3) to make undue use of office letterhead paper.

4) to treat of office business with outside persons.

5) to perform in any way the role of agent, procurator, advocate in one's own or in another department.

6) to retain or to take on employment, even private, or commissions, albeit of purely ecclesiastical character, which are incompatible with their office work unless they have express authorization from the cardinal prefect.

7) to be enrolled in political parties or to participate in associations or institutions which are not in conformity with the teaching and discipline of the Church.

8) to display activity of any kind or to take part in manifestations which, in the judgment of the superior, are not becoming to the character of an official of the Holy See.

Art. 41. It is strongly recommended that every priest-official, after getting the opinion of his own prelate superior, be enrolled in a

church, oratory or institute in which he normally exercises pastoral ministry within the limits allowed by his office duties.

Also the lay employees arc exhorted to devote themselves to good works or to the apostolate during their free hours and compatibly with their office responsibilities.

Title VI

Timetable and Absence

Art. 42. §1. Without prejudice to the general provisions of the circular of 1 July, 1959, the total time of working hours obligatory on the personnel of the Roman Curia is scaled as follows:

λ) officials: a total amount of 33 hours per week.

b) subalterns: a total amount of 39 hours per week so that they can attend to the tasks which they must discharge before and after the usual office schedule in accord with directions issued by the cardinal prefect for each department.

§2. The usual office schedule, which is common for all departments, is from 9:00 A.M. to 1:30 P.M.

§3. The remaining time (to make up the total obligatory amount) can be distributed through the week in mornings or afternoons at the discretion of the cardinal prefect in such wise that each department remains open every work day except Saturday and the vigils of feast days, from 6:00 P.M. to 8:00 P.M. with a fitting number of officials and subalterns present.

§4. Office hours should be faithfully observed in such wise that at the time set, everybody is at his work position and at the disposition of superiors. The time spent in the service of the Holy See in its departments should be considered sacred since it is devoted to the faithful service of the Church and of the person of the Supreme Pontiff.

§5. The auditors of the Rota, from the nature of their work, do not have an office schedule. Nevertheless, although they work at home, they arc obliged to be present in the tribunal once a week for the hearings to be held at set times.

The promoter of justice and the defender of the bond, although exercising their activity at home, should, in turn, be present in the tribunal on office days. The other officials will observe the schedule set by the Rotal College.

Art. 43. Without prejudice to the provision made above in art. 37, officials shall not fail to offer their assistance in the office, even outside the usual schedule whenever the exigencies of service require It.

Art. 44. Those who are paid by the hour are obliged to affix their signature in the attendance book at the office entrance and exit.

Art. 45. For unjustified monobservance of the timetable, over and above other possible disciplinary sanctions, there is also provided a withholding of pay in proportion to the amount of subtracted office time.

Art. 46. The record of signatures referred to in art. 44 of the present regulations, the observations and justifications must be transmitted by the prelate superior to the competent administrative department for the computation of absences, nonobservance of the schedule, and corresponding pay withholdings.

Art. 47. In case of sickness or of other unforeseen impediment, the employee should sec to it that the prelate superior be informed on that very day. The latter will take care to report the work absence within three days to the competent administrative department.

Title VII

Holidays, Vacations, Leaves

Art. 48. Holidays are: 1) Sundays and other holy days of obligation; 2) the anniversary of the coronation of the Supreme Pontiff; 3) the name day of the Supreme Pontiff; 4) the anniversary of the death of his predecessor; 5) the anniversary of the establishment of Vatican City; 6) the feast of St. Joseph the Worker; 7) the days of public consistory; 8) the last three days of Holy Week; 9) Easter Monday and Tuesday; 10) the vigil of and the day following the Assumption of B.V.M.; 11) All Souls' Day; 12) the vigil of and the two days following Christmas; 1 3) the last day of the year.

Art. 49. All personnel members enjoy an annual vacation in one or two periods from 1 July to 31 October. Vacations are staggered according to the needs of the department at the discretion of the prelate superior who can grant priority of choice to those having greater seniority in each class.

Art. 50. Vacations are granted according to the following norms:

a) The usual annual leave is a total of thirty days, without distine-

tion of seniority in service, for superiors, officials both major and minor, as well as for the subaltern personnel.

b) Those officials who arc not Italian are granted, at the discretion of the cardinal prefect, some additional days for purpose of travel.

Art. 51. Within the computation of vacation days are Sundays and other holy days of obligation as well as the other holidays listed in art. 48 which must be included as part of the vacation days.

Art. 52. The annual days of vacation cannot be cumulated with those not taken during the preceding year nor with those of the subsequent year unless, in the judgment of superiors, special circumstances or exigencies suggest otherwise.

Art. 5 3. The prelate superior, at the reasonable request of the interested party and without prejudice to the needs of the dicastcry, can in the course of the year grant to officials and subalterns some days of leave which arc to be computed as vacation days.

Art. 54. A leave is granted and is not computed as vacation time:

1) one week in case of serious illness or death of persons related by blood or marriage in the first degree. This time can be extended at the discretion of the prelate superior over and above the time possibly required for travel.

2) Three days for change of dwelling place.

3) six days to ecclesiastical officials for an annual retreat.

4) fifteen days to lay officials and subalterns on the occasion of their wedding.

Title VIII

Financial Arrangement

Art. 55. §1. Financial arrangement for personnel is regulated by the competent administrative department.

§2. Financial arrangement for personnel hired on a temporary basis and mentioned in art. 4 of the present regulations, or who do not work on a continuous basis, is established by the cardinal prefect after obtaining the opinion of the competent administrative department in accord with the attendance record, the number of work hours, as well as the nature of the work done. Payment for attendance and hours should have substantial uniformity.

Art. 56. §1. Monthly pay comprises salary, contingent allowance for the family, and contingent indemnities.

§2. Indemnities and family allowances are not computed for purposes of pension.

Title IX
Disciplinary Sanctions

Art. 57. Disciplinary sanctions are: 1) oral warnings, written warnings, fines·, 2) suspension from office; 3) removal from office; 4) dismissal from office.

Chapter 1: *Oral and Written Warnings; Fines*

Art. 58. Oral warning, given in the manner of a paternal admonition, and noted in the personnel file, has place:

d) for disciplinary failures or for negligence in service.

b) for unbecoming behavior.

c) for unjustified nonobservance of the work schedule.

d) for violations of the prohibitions mentioned in art. 40, nn. 1-5.

Art. 59. For a relapse into the defects mentioned in art. 58, *c)* a fine can be imposed which is not to exceed the amount of a day's wages.

Art. 60. In case of new relapse within a period of one year for defects punished by a fine, the employee is given a written warning which must be kept in the personnel file of the employee in the respective department and in the competent administrative department.

Chapter II: *Suspension from Office*

Art. 61. Suspension from office is applicable:

1) in case of relapse into defects punished with a written warning after which there were two other warnings within the period of one year.

2) for violation of the prohibition mentioned in art. 40, n. 6.

3) for serious acts of disciplinary failure or of insubordination, provided that these acts are not public.

4) for serious prejudice brought against the department.

5) for violation of official secrecy.

6) for culpable indebtedness or for other irregularities in private conduct which cause prejudice to the dignity of the department.

Art. 62. Suspension means temporary removal from office at the discretion of the superior with possible withholding of salary in accord with the norms established by the competent administrative department.

Chapter III: *Removal from Office.*

Art. 63. Removal from office is applicable to an employee who shows that he is underservedly being kept in service or has committed infractions which render continuation in service incompatible in the judgment of the commission which has been constituted according to the norm of art. 23 of the regulations of 1963; the presumed guilty person has the right to defend himself.

Art. 64. Removal from office does not carry with it loss of eventual retirement arrangement.

Chapter IV: *Dismissal from Office*

Art. 65. §1. Dismissal from office is applicable to an employee:

1) for serious, public acts of disciplinary failure or of insubordination.

2) for serious failures in duties whether of an ecclesiastical or a Christian nature.

3) for violation of pontifical secrecy.

§2. The commission referred to above in art. 63 will examine such cases; the presumed guilty party is given the opportunity to defend himself.

§3. The cardinal prefect can submit to examination by the commision other cases which are not comprised in this article but are of special gravity.

Art. 66. When the commission referred to in the preceding article decrees dismissal from office, it also determines its effects while taking into account articles 23 and 26 of the *Regulations Regarding Pensions* which were promulgated in the *motu proprio* of 23 December, 1963.

Art. 67. A dismissed person cannot be reengaged in another department or office dependent upon the Holy See.

Chaper V: *Procedure for the Aplication of Disciplinary Sanctions*

Art. 68. The suspension, removal and dismissal from office mentioned in articles 61, 63, 65 are put into effect by the cardinal

prefect in conformity with the decisions of the commission as understood in articles 63, 65, 66. The oral and written warnings and the fine mentioned in articles 58, 59, 61 can be put into effect by the prelate superior.

Art. 69. Suspension, removal and dismissal from office are communicated to the party concerned in writing. Refusal to accept such a communique is equivalent to its acceptance. A record must be drawn up of these acts including the refusal to accept.

Art. 70. The interested party has the right of devolutive recourse to the second section of the Apostolic Signatura within the limits set down in the constitution, *Regimini Ecclesiae universae,* η. 106. The decision of the Apostolic Signatura is definitive but always without prejudice to the recourse provided for by the Code of Canon Law.

Title X

Special Provisions

Art. 71. Following are special provisions: 1) employment leave; 2) stand-by employment; 3) provisions relative to penal procedure; 4) release from office; 5) resignation from office; 6) retirement.

Art. 72. The provisions of the preceding article are put into effect by the cardinal prefect after obtaining the opinion of the competent administrative department and the previous approval of the Supreme Pontiff and arc communicated to the interested party in writing.

Chapter I: *Employment Leave*

Art. 73. Employment leave can be granted: 1) for sickness; 2) for family reasons.

Art. 74. Employment leave is communicated to the interested party with indication of the reason, the starting date, and the duration of the provision.

I. Sick leave.

Art. 75. Employment leave because of sickness can be granted upon written request by the interested party on the basis of a medical certificate and of previous confirmation and opinion of the Director of Health Service of Vatican City.

Art. 76. Employment leave because of sickness is an office provision for the case of *continuous absence because oj illness* which is protracted beyond six months or when the employee in the course' of twelve months, computed from the first day of absence because of illness, does not render service for a total of 180 days. In such a case there must be previous executory confirmation from the Director of Health Services of Vatican City in conjunction with the medical staff.

Art. 77. During the period of sick leave the entire compensation is paid.

The time spent on sick leave is added in as regards computation of seniority in service and eventual retirement arrangement.

Art. 78. Sick leave terminates with the cessation of the reason for which it was granted. Nevertheless, it cannot last beyond 180 continuous or interrupted days in the course of the first ten years of service nor beyond 360 continuous or interrupted days in the course of the subsequent period. These limitations begin to run after the employment leave has been granted according to art. 76 above.

Art. 79. When the outside limits mentioned in the preceding article have been exhausted, and if the person, because of his sickness, becomes unable to resume his office, the case comes up for examination by the commission mentioned in art. 63 of the present regulations which then proposes apportune provisions.

2. *Leave for family reasons.*

Art. 80. Leave for family reasons can be granted upon written request by the interested party for serious reasons which have been duly certified. **H**

Art. 81. During a leave for family reasons, the employee has the right to pay as decided by the cardinal prefect after obtaining the opinion of the competent administrative department and based on the salary received and in accord with the nature of the case.

Art. 82. Leave for family reasons cannot last beyond 180 continuous or interrupted days in the course of the first ten years of service nor beyond 360 continuous or interrupted days in the course of the subsequent period.

Art. 83. Leave for family reasons can be suspended or revoked at any time because of department needs at the irreversible judgment of the cardinal prefect. The recall is communicated in writing to the interested party.

Art. 84. The employee who does not resume service when the period of leave for family reasons has elapsed or in the case of eventual recall, can be declared to have renounced his office in accord with art. 98, n. 3.

Chapter II: *Stand-by Employment*

Art. 85. Stand-by employment can be brought about by suppression of an office or by reduction of personnel.

Art. 86. During the stand-by period, the employee receives full compensation. Time spent on a stand-by basis is included as regards computation of seniority in service and eventual retirement arrangement.

Art. 87. Stand-by employment is communicated in writing to the interested party with indication of the reason, the starting date, and the duration of the provision.

Art. 88. If the interested party is recalled to service and does not resume service within the specified time limit, he is considered to have renounced his office in accord with art. 98, n. 3.

Chapter 111: *Provisions Relative to Penal Procedure*

Art. 89. §1. If an employee is to be subjected to ecclesiastical penal procedure for an offense or deed which renders him unworthy and undeserving of necessary trust, the cardinal prefect has recourse to temporary suspension from office.

§2. If the penal procedure is not ecclesiastical, a commission named by the cardinal prefect will decide on opportune provisions.

Art. 90. If the process concludes with a sentence of acquittal, the interested party is readmitted to the office.

Chapter VI: *Release from Office*

Art. 91. Release of an employee from office is determined by supervening physical weakness whether or not it arises from a service cause.

Art. 92. §1. Occasion is had for release from office because of supervening physical weakness, whether or not it arises from a

service cause, whenever the commission referred to in art. 63 shall have decided after previous certification on the part of the Director of Health Services of Vatican City in conjunction with the staff which will also certify whether the illness arose from service causes.

§2. The employee has the right to seek assistance in the examination from a doctor in whom he has confidence.

Art. 93. §1. During absence from office because of sickness or misfortune arising from a service cause, the employee has the right to full compensation.

§2. For absence from office which does not arise from a service cause, the norms set down in the *Regulation Regarding Pensions* obtain.

Art. 94. Provisions for release is communicated in writing to the interested party.

Art. 95. Against such provision the interested party can have devolutive recourse to the second section of the Apostolic Signatura within the limits set down in the constitution, *Regimini Ecclesiae universae,* η. 106. The decision of the Apostolic Signatura is definitive but without prejudice to the provisions in art. 70 of the present *Regulations.*

Chapter V: *Renunciation of Office*

Art. 96. An employee who intends to resign from his office must make a written declaration of this intent to the cardinal prefect. The resignation has no effect unless acceptance of it follows, in which case the interested party is informed in writing. Acceptance of the resignation can be delayed or refused either because of service needs or because a disciplinary process is in progress against the interested party. In every case timely notice will be given.

Art. 97. The resigner is obliged to continue the discharge of his office duties as long as acceptance of his resignation has not been communicated to him.

Art. 98. An employee is considered to have renounced his office and is declared as such if without justifying reason:

1) he docs not take up service on the date fixed in the letter of engagement referred to in art. 11.

2) he is an Italian and does not intend to take advantage of the exemption from military service or from other commitment of a personal character due the Italian State and mentioned in art. 10 of the treaty between the Holy See and Italy and of the document of 6 September, 1932, for its execution.

3) there follows an arbitrary absence from office for five consecutive days and he docs not again take up service within a maximum of five days from receipt of injunction to present himself. The prelate superior must communicate this injunction to him *ex officio* and in writing.

Art. 99. In cases of voluntary or declared renunciation of office the provisions of articles 11,91 and the following are applicable.

Art. 100. In a case of voluntary renunciation, the provisions of art. 1 of the *Regulations Regarding Pensions,* issued on 23 December, 1963, arc applicable.

In a case of declared renunciation of office, the eventual retirement arrangement is decided by the commission mentioned in art. 23 of the said *Regulations.* The commission, after taking into account the circumstances of the case, pronounces sentence in accord with the aforesaid art. 23.

Chapter VI: *Retirement*

Art. 101. §1. For subalterns retirement is provided for when they have completed their sixty-fifth year. The age limit set for major and minor officials is seventy years completed; for prelate superiors, the limit is the beginning of their seventy-fifth year, without prejudice to the provision of the constitution, *Regimini Ecclesiae universae,* η. 2, §5 and, as regards auditors, without prejudice to the laws proper to the Sacred Roman Rota.

As regards direct and indirect pensions and as regards retirement, the *Regulations Regarding Pensions* for ecclesiastical and lay civil personnel, issued on 23 December, 1963, are applicable.

§2. Notice of retirement is communicated in writing to the interested party with indication of the reason and of the pertinent starting date.

Title XI.

General Provisions

An. 102. The competent administrative department for the norms of the present regulations is the Administration of the Patrimony of the Apostolic See for all departments with the exception of the Sacred Congregation for the Doctrine of the Faith

and the Sacred Congregation for the Evangelization of Nations which have their own special administrative department.

Art. 103. Written communications provided for by the present regulations are executed by the media commonly recognized as valid for proof of receipt of notification.

Art. 104. Every kind of provision contrary to that set forth in the preceding articles of this first part of the *General Regulations* is abrogated.

PART II

PROCEDURAL LAW OF ADMINISTRATIVE DEPARTMENTS

Title I

Convocation of Cardinal Prefects

Art. 105. In accord with numbers 18 and 20 of the constitution, *Regimini Ecclesiae universae,* the Secretariat of State shall take care of convoking the cardinal prefects according to the wishes of the Secretary of State.

Title II

Mixed Assemblies

Art. 106. In keeping with n. 13 of the constitution, *Regimini Ecclesiae universae,* business matters which come within the competency of two or more departments, should be treated and resolved in mixed assemblies, ordinary or plenary, composed, that is, of members from the respective interested departments as set down in art. 110. jS

Art. 107. For the convocation of mixed or plenary assemblies of cardinals and for the procedure to be followed in the discussions and handling of questions referred to them, the norms set down in nn. 14 and 15 of the constitution, *Regimini Ecclesiae universae,* obtain.

Art. 108. With appropriate modifications, a procedure analogous to the norms in nn. 16-17 of the cited constitution should be followed in mixed assemblies at the level of cardinal prefects or of secretaries of the interested departments. M

An. 109. It is up to the secretary of the department which convokes the assembly to publish the resolutions made in mixed assemblies.

Title III

Plenary and Ordinary Sessions

Art. 110. §1. The *plenary* meetings of the individual Sacred Congregations are composed of the cardinal members and a certain number of bishops in accord with the *motu proprio, Pro comperto sane,* of 6 August, 1967,3 and, outside of special circumstances, take place once a year at a time to be set by the said Congregation. On the other hand, when no opportunity is at hand for them, *ordinary* meetings are held. There are composed of the cardinal members only and with the participation of those bishop members who happen to be present in Rome.

§2. For *plenary* sessions of the Sacred Congregation for the Evangelization of Nations, the provision made in n. 83, §2 of the constitution, *Regimini Ecclesiae universae,* obtains.

Art. 111. Each department, in its special norms, determines the matters which are submitted to the *ordinary* meetings of the cardinals. On the other hand, it submits to a *plenary* session questions of greater importance which have the nature of a general principle or of a normative program.

Art. 112. §1. When a matter is to be submitted to an *ordinary* meeting or to a *plenary* session, full and thorough study of it must precede; the necessary information is collected; and, at least a month before the convocation, each member is sent an official notice containing a *summary* of the matter, the question to be discussed, the votes of the consultors.

§2. The entire assemblage need not be printed as long as it is written in clear characters and duplicated by appropriate means to insure perfect legibility.

Art. 113. In duplicating the aforesaid pages, every precaution must be employed to guarantee secrecy. To this end the work will be entrusted to the Vatican Press or to other presses and security offices which have been given previous approval by the cardinal prefect.

Art. 114. The transmission of secret papers must be done in a reliable manner and by the most secure route.

3Reported in *Canon Law Digest,* 6, p. 322.

Art. 115 At *plenary* sessions – over which the cardinal prefect presides – the first to speak is the cardinal ponent or reporter. After him the other cardinals and other members will speak in the order of precedence. The cardinal prefect will speak last.

Art. 116. The *plenary* session can submit to the consideration of the Holy Father the opportunity to subject to later examination by the Synod of Bishops problems which arc of special importance for the life of the Church.

Art. 117. Whatever is discussed in the meetings must be taken down in the minutes by the prelate superior without prejudice to the provision made above in art. 27, 3). At the conclusion of the meetings the prelate superior will take care to withdraw from circulation all the folders of acts or proposals.

Art. 118. Whenever there is no obstacle, the resolutions will be notarized by the prelate superior and copies distributed to all the members of the department who were convoked and took part in the meeting or were legitimately absent.

Art. 119. §1. When the notification or communication of the resolutions has been received by the interested party, if he has serious objections to them, he can, within ten days, request the benefit of a new hearing. He must always advance new and serious arguments and there is the right of recourse to the second section of the Apostolic Signatura in accord with n. 106 of the constitution, *Regimini Ecclesiae universae.*

§2. It belongs to the cardinal prefect, after hearing the assembly, to grant or refuse the benefit of a new hearing in accord with the value of the arguments advanced.

§3. Only an *ordinary* or a *plenary* session can grant the benefit of a new hearing when the resolution is qualified by the clause: "let it not be proposed again."

Art. 120. Members of the Congregations should be informed of the sovereign decisions made by the Supreme Pontiff as a result of the resolutions formulated at the plenary meetings.

Art. 121. The actual expenses which are incurred for cases brought to *plenary* or *ordinary* sessions by private persons are, as a rule, to be charged to the petitioner. If controversial matters are treated, the costs should be borne by the loser and deducted from the suitable deposit antecedently ordered by the cardinal prefect in union with his congress.

Art. 122. It belongs to the cardinal prefect or, in his stead, to the prelate superior to refer to the Supreme Pontiff the decisions taken at the *ordinary* meetings or at the *plenary* sessions.

Decisions subject to recourse to the second section of the Apostolic Signatura cannot be submitted for papal approval until thirty days have elapsed since notification of the same.

Title IV

The Congress

Art. 123. In addition to the Cardinal prefect, the following make up the congress: the prelate superior, the secretary or the under-secretary of the particular section if a department is divided into various sections, the directors of the offices through which the department operates, the academic assistants to whom the handling of business matters is entrusted or, at the discretion of the prelate superior, all the assistants of the section in matters of common concern and of major importance.

Art. 124. The congress has the task of:

a) deciding what should be directly presented for approval by the Holy Father and, on the other hand, what should first be submitted for examination by an *ordinary* or *plenary* session or by a mixed session.

b) turning over to the consultors business matters which require special study so that they can express their opinions.

c) granting faculties, favors, induits according to rhe powers delegated to them by the Holy Father.

d) discussing and deciding ordinary business matters which are not of concern to other departments or which, according to their own norms, do not require handling in an *ordinary* or *plenary* session.

Art. 125. The congress shall transmit to the competent commission doubts of law which arise regarding the interpretation of some norm of the Code of Canon Law. Furthermore, it shall remit to the competent tribunal matters which, because of their nature, should be treated in a judicial manner.

Title V

The Council

Art. 126. §1. In every department there is a council composed of a group of consultors who are competent, efficient and active and

who by their specialized and conscientious work can make astrong contribution to the government of the Church.

§2. The task of the council is to express its own reasoned opinion on questions which are weightier and which will be submitted to it by the prelate superior at the wish of the cardinal prefect.

Art. 127. § 1. The consultors or some of them, depending on their various abilities, should be summoned some days before a *plenary* session of the cardinals.

§2. The consultors are summoned by the prelate superior.

Art. 128. When the business to be handled so requires, the cardinal prefect has the right to request a written opinion also from persons who are outstanding and especially expert but are not included among the consultors.

Art. 129. The consultors arc headed by the prelate superior who presides at their meeting and directs the discussion.

Art. 130. When requested to give a written opinion, the consultors shall discharge their assignment carefully and diligently. At the invitation of superiors, they shall cooperate in the drawing up and the working out of the documents of the department of which they arc part.

APPENDICES

I

Advocates

1. Advocates of the Sacred Consistory are appointed by the Holy Father and arc governed by the norms presently in force as regards their number, prerogatives and rights.

2. For admission to the office of advocate or procurator before the Sacred Roman Rota or the Apostolic Signatura, the provisions in the *Norms* of the Sacred Roman Rota, articles 54-55, are to be observed.

3. I*or the second section of the Supreme Tribunal of the Apostolic Signatura the provisions of the special norms obtain.

4. Without prejudice to the rights of the advocates of the Sacred Consistory, for beatification and canonization cases, in addition to the diploma of Rotal advocate, one must fulfill the formalities prescribed by the Sacred Congregation of Rites.

5. Without special authorization consistorial advocates, procurators of the Sacred Apostolic Palaces, and Rotal advocates are not to undertake to defend lawsuits against the Holy See.

6. As regards fees, advocates should abide by the tarriffs set and updated every three years by the Sacred Roman Rota.

7. If an advocate demands fees in excess of the limits mentioned in n. 6, recourse against him can be had to the Apostolic Signatura. Such recourse to it can also be made upon denunciation by the promoter of justice.

II

Profession of Faith; Promises

Profession of Faith

I, N.N., believe and profess with firm faith all and everything that is contained in the symbol of faith, that is:

I believe in one God, the Father almighty, maker of heaven and earth, and of all things visible and invisible. And I believe in one Lord, Jesus Christ, the only-begotten Son of God. Born of the Father before all ages. God of God, light of light, true God of true God. Begotten, not made, of one substance with the Father by whom all things were made. Who for us men and for our salvation came down from heaven. And He became flesh by the Holy Spirit of the Virgin Mary, and was made man. He was also crucified for us under Pontius Pilate, suffered, and was buried. And on the third day He rose again, according to the scriptures. He ascended into heaven, sits at the right hand of the Father, and will come again in glory to judge the living and the dead. And of His kingdom there will be no end. And I believe in the Holy Spirit, the Lord and Giver of life, who proceeds from the Father and the Son. Who together with the Father and the Son is adored and glorified, and who spoke through the prophets. And one holy, Catholic and apostolic Church. I confess one baptism for the forgiveness of sms. And I await the resurrection of the dead, and the life of the world to come. Amen.

I also firmly embrace and accept, in the sense proposed by the Church, all and everything which has been defined by the Church in a solemn declaration or affirmed and declared by its ordinary magisterium concerning the doctrine of faith and morals, especially those matters dealing with the mystery of the holy Church of Christ, its sacraments, the sacrifice of the Mass, and the primacy of the Roman Pontiff.

Promises

Officials:

In the name of the Lord, I, *N.N.,* agree, vow and promise that! shall always be loyal and obedient to our Lord, Pope *N.,* and his lawful successors. I shall diligently discharge the services committed to me in the Sacred Congregation (in this Tribunal; in this Office) and I shall religiously maintain official secrecy. At the same time I promise that I shall neither seek nor accept presents offered me as remuneration, even in the form of a gift. So help me God and these holy gospels of God which I touch with my hands.

Subalterns:

I, *N.N.,* promise, in the presence of God, to be loyal to the Supreme Pontiff and to his lawful successors and to observe official secrecy most stricly. I promise to discharge all my duties diligently and to obey the orders which shall be given me by my superiors.

HI

Archives; Protocol Office; Library

1. In every department there will be a general protocol office where all business which passes from hand to hand for official presentation or dispatch must be registered in sequence. After the sequence number, this registration, followed by indication of the year in the abbreviated form of a fraction, will show:

a) the diocese to which the business pertains·,

b) the name of the petitioner;

c) the point of the business·,

d) the antagonist if it happens that recourse is had;

e) the date of presentation.

2. In the general protocol office there will be reported every step of the business, the decisions made, the letters sent, etc., written by hand, if they are recorded in a registration book; written by hand or by typewriter, using an ordinary indelible black ribbon, if they arc recorded on sheets of paper.

3. When a petition or any kind of document has arrived, care will be taken to affix at the head of the document itself a black-inked stamp containing the name of the receiving department, date of receipt, and some white space for affixing the protocol number, the forwarding diocese, and name of the petitioner.

Record must be made that the petition has been viewed together with the proper notation in the general protocol office. If the petitioner is an Ordinary or his curia, care will be taken to inform him in due manner of receipt of his business and of the protocol number assigned to it.

As for shipments sent originally by the office, the paper has affixed to it a black-inked stamp containing the name of the department making the shipment, the shipping date, the protocol number, and indication of the addressee.

4. To facilitate researching proposals or precedents on a determined business matter, provision will be made to draw up a triple index system: one according to names, another according to the forwarding dioceses, and a third according to the matters treated, i.c., a systematic index. On each index card — name, diocese, systematic — there is reported the protocol number and, respectively, the pertinent dates for identifying the matter and its location in the general archives if there is question of matter already concluded and, therefore, filed in the archives.

5.The protocol number assigned to a proposal at the start remains even if the business is protracted beyond the year. When the business is terminated, a special archival number will be given to it. This number will be recorded in the protocol office and on the various sheets, indicating its location in the general archives.

6. When ascertainment has been effected about possible precedents for a determined matter or when a new protocol number has been assigned to the said matter, preparation will be made of a special, already-printed wrapper containing on its front side indication of the dates of the matter and, as regards the contents, indication of the documents inclosed. These documents are arranged beforehand in sequence so as to avoid both chance exchange and wrong location of them.

This wrapper with indication of all the documents inclosed, shall be transmitted for study to the interested officials according to the special norms of each department.

7. Receipt of the transmitted business must be noted in a suitable index system, possibly on open cards, so that it will be easy to ascertain, at any moment, in which office can be found the matter which is temporarily removed from the archives. Therefore, these cards should also report distribution of completed acts to consultors, reporters, etc.

8. When settlement has been made regarding a determined matter, this settlement will be sent to:

a) the protocolist for registration in the general protocol office and for provision to send the settlement, letter or rescript to the superior for his signature;

b) the writers if there is need to prepare a letter or to draw up a rescript;

c) the accountant for notation of expenses and tariffs;

d) the distributor for shipping or delivery of the settlement; and finally;

e) the archivist for replacement in the archives.

If the matter is considered to be definitively closed, the archivist will then assign it a location number in the general archives and take care of the proper notifications.

9.If the acts are returned without being signed or with some special observation, the officials shall conduct themselves according to the cases in conformity with the instructions of superiors.

10.In each department there should be a specialized and up-to-date library on the matters within the competence of the said department. For its orderly functioning, it should be entrusted to an official designated by the prelate superior.

The Holy Father, Paul VI, in the audience granted to the Cardinal Secretary of State on 22 February, 1968, the feast of the Chair of St. Peter, the Apostle, has approved these GENERAL REGULATIONS in their definitive text as reported above and ordered their promulgation and publication in Acta Apostolicae Sedis as well as their immediate application in all the departments of the Holy See and in every other organ dependent upon the Administration of the Patrimony of the Apostolic See. ⧫

AAS 60-129; Sec. St., Regulations, 22 Feb., 1968.

Roman Curia: Competence Over Associations of the Faithful (Sig Apost., Nov., 1968) Private.

Following arc "the norms by which the competency of the Roman Curia over associations of the faithful is regulated (and which must be observed by way of experiment)."

Art. 1. After the *motu proprio* letter of Pope Paul VI, *Catholican Christi Ecclesian,* issued on 5 January, 1967,[1] and the apostolic constitution, *Regimini Ecclesiae Universae,* issued on 15 August, 1967, the Council for the Laity has competency over associations of the faithful but with observance of the following norms.

Art. 2. It pertains to the Council for the Laity to promote, foster and regulate the apostolate of the laity in the individual nations and to weave it into the universal apostolate of the Church. It also supervises other matters referred to in the above-mentioned *motu proprio* letter, *Catholican Christi Ecclesiam,* I, nm. 1-4.[3] Further, it takes special care that the precepts of Christian life be safeguarded and that ecclesiastical laws which concern the laity be faithfully observed.

Art. 3. Subject to the same Council are Catholic groups: both international groups of laity dealing with the apostolate, without prejudice to the competency of the Secretariat of State, as well as national groups—which are called *Committees*— and other Catholic associations promoting the apostolate and the spiritual life and activity of the laity, without prejudice to the right of the S. Congregation for the Evangelization of Nations concerning associations which exclusively foster missionary cooperation.[4]

Art. 4. Pious associations of the laity, i.e., archconfraternities, confraternities, pious unions, sodalities of whatever kind, depend upon the Council for the Laity, which, however, must proceed after having taken counsel with the S. Congregation for Religious and for Secular Institutes whenever there is question of associations which have been erected by a religious family or by a secular institute (can. 713).

Art. 5. Third Orders Secular, as such, scil., insofar as they are united with their respective religious order, depend upon the S. Congregation for Religious and for Secular Institutes, without prejudice to the exclusive competency of the Council for the Laity as regards their apostolic activity.

[1] AAS, 59 (1967),25-28; *Canon Law Digest,* 6, pp. 299-302.

[2] AAS, 59 (1967),885-928; *Canon Law Digest, 6,* pp. 324-357.

[3] AAS, 59 (1967),26-27; *Canon Law Digest, 6,* pp. 299-300.

[4] Const. *Regimini Ecclesiae Universae,* n. 89 (AAS, 59 [1967],917; *Canon Law Digest,* 6, pp. 347-348) which, to foster missionary cooperation, has the Supreme Council for the Direction of Pontifical Missionary Works on which depend the General Councils of the Missionary Union of the Clergy, the Society for the Propagation of the Faith, the Society of St. Peter the Apostle, and the Society of the Holy Childhood.

Art. 6. Pious associations of the clergy are exclusively under the S. Congregation for the Clergy while entire competency regarding the Missionary Union of the Clergy remains with the S. Congregation for the Evangelization of Nations.

Art. 7. Associations which take in either clergy or laity, as regards the observance of the general laws of the Church, are subject to the S. Congregation for the Clergy which, however, is bound by office to confer with the Department for the Laity as regards their apostolic work.

Art. 8. Associations of either clergy or of laity or mixed which are erected with the purpose that, after fitting prior preparation, they may become religious congregations or secular institutes, depend upon the S. Congregation for Religious and for Secular Institutes. But competency over other associations which do not from their own institute have such a purpose, is governed in accord with nn. 4, 6, 7.

Art. 9. Conflicts of competency, if any arise, between the Departments of the Apostolic Sec as regards associations of the faithful of whatever kind, arc settled by the Supreme Tribunal of the Apostolic Signatura.

From Rome, November, 1968.

(Private)-, Sig. Apost., norms, Nov., 1968; reported by Ochoa in *Leges Ecclesiae,* vol. 3, n. 3699.

Roman Curia: Various Questions in its Regard (Com. Vat. Il Interp., 11 Jan., 1971) AAS 63-329.

The Fathers of the Pontifical Commission for the Interpretation of the Decrees of the Second Vatican Council, when the following questions were proposed in the plenary session, believed they should be answered as below·.

1) Question. Whether recourse can be had to the Supreme Tribunal of the Apostolic Signatura, second section, against a decision of the competent Dicastery as often as there has been no decision on the part of the lower ecclesiastical authority?

Reply. *In the affirmative.*

2) Question. Whether admission to discussion must be immediately communicated only to the party having adverse interest or also to the competent Dicastery which passed the impugned decision?

Reply, *hi the negative* to the first part; *in the affirmative* to the second; that is, admission to discussion must be immediately communicated also to the competent Dicastery which passed the impugned decision in addition to the party having adverse interest.

3) Question. What must be understood by the clause, *whenever it is contended that the act itself violated some law,* which is in n. 106[1] of the apostolic constitution, *Regimini Ecclesiae Universae?*

Reply. For a violation of the law understand an error of law whether in procedure or in decision.

4) Question. Whether in the case mentioned in question 3), the Supreme Tribunal of the Apostolic Signatura, second section, takes cognizance only of the illegitimacy of the impugned act or also of the merit of the case?

Reply. *In the affirmative* to the first part; *in the negative* to the second; that is, the Supreme Tribunal of the Apostolic Signatura, second section, takes cognizance only of the illegitimacy of the impugned act.

Our Holy Father, Pope Paul VI, in the audience granted to the undersigned on the 11th day of January, 1971, ratified the aforesaid decisions, approved them, and ordered them to be published.

AAS 63-329; Com. Vat. II Intcrp., replies, 11 Jan., 1971, section II. Annotations in *Monit. Eccles., 97* (1972),327-334 (Carbone).

Commissions: *lustitia et Pax:* Paul VI, allocutions to members, 15 June, 1968 (AAS 60-393); 27 Sept., 1971 (AAS 63-765); 25 Sept., 1972 (AAS 64-631)-English version in *T.P.S.,* 17 (1972),250-252.

Report on work of, to Roman Synod, October, 1969; reported in *Catb. Mind,* 68 (Jan, 197O),51-55.

Council for the Laity: Paul VI, allocutions to plenary assemblies: 8th, 20 March, 1970 (AAS 62-21 3)—English version in *Catb. Mind,* 68 (June 1970), 61-64; 10th, 2 Dec., 1971 (AAS 63-895); 11th, 9 Oct., 1972 (AAS 64-678)-English version in *T.P.S.,* 17 (1972),253-256.

Paul VI, allocution to symposium sponsored by, on dialogue within the Church, 20 March, 1971 (AAS 63-286)—English version in *T.P.S.,* 16 (1971),48-51.

Paul VI, written message (in English) to 1st assembly of the laity from the whole of Africa and Madagascar organized by the Council for the Laity, 5 Aug., 1971 (AAS 63-697).

Directory: defining meaning of terms relative to International Catholic Organizations, 3 Dec., 1971: *see below* c. 684.

Pontifical Council *Cor Unum:* Established by Paul VI for promotion of human and Christian development in Rome, by a letter, *Amons officio,* addressed to Cardinal Villot, Papal Secretary of State, 15 July, 1971 (AAS

[1] Canon *Law Digest,* 6, p. 351.

63-669)-English version in *T.P.S.,* 16 (1971),284-287. Annotations in *Etudes,* 336 (1972),267-269 (Vaucclles).

Paul Vi, allocution to members of 1st assembly, 13 Jan., 1972 (MS 64-188—English version in T.P.S., 16 (1971),332-334; to members of 2nd assembly 1 Dec., 1972 (AAS 64-773).

Roman Curia: Paul VI, allocution to the cardinals prefect of the Sacred Dicasteries on the occasion of their first assembly to coordinate their activities and to discuss issues, 11 June, 1968 (AAS 60-389).

Sec. St., instruction on dress, titles and coats-of-arms of cardinals, bishops and lesser prelates, 31 Mar., 1969; see c. 230.

CANON 247

Theological Commission: Experimental Statutes (S.C. Doct. Fid., 12 July, 1969) AAS 61-540.

Following arc the "experimental" statutes of the Theological Commission.

1.The Theological Commission is set up within the Sacred Congregation for the Doctrine of the Faith. Its function is to provide help to the Holy See and, in a special way, to the said Sacred Congregation in examining doctrinal questions of greater moment.

2.The cardinal prefect of the Sacred Congregation for the Doctrine of the Faith discharges the function of president of the Theological Commission. For each session he can delegate one of the member cardinals of the said Sacred Congregation.

3. The cardinal-president appoints a secretary for the technical work of the Commission.

4.The Theological Commission is composed of theologians from different schools and nations who are outstanding for theological knowledge and for loyalty to the Church's magisterium.

5.Members of the Theological Commission arc appointed for a five-year period by the Supreme Pontiff to whose judgment names arc proposed by the cardinal prefect of the Sacred Congregation for the Doctrine of the Faith after consultation with the episcopal conferences. They may be again appointed at the end of the five-year period. The total membership shall not exceed thirty.

6.A plenary session of the Theological Commission is convoked at least once a year.

7.If study of particular questions so demands, the cardinal president can institute special commissions made up of members who are especially expert in the matter. When the study is completed, their office comes to an end.

8. Members of the Theological Commission may also be consulted by writing.

9. Questions and subjects to be studied can also be proposed by the Theological Commission or by individual members to the Sacred Congregation for the Doctrine of the Faith which decides on the opportuneness of treating the matter.

10. The conclusions arrived at by the Theological Commission in plenary session or by the special commissions as well as the individual opinions of the members shall be submitted to the Supreme Pontiff and turned in to the Sacred Congregation for the Doctrine of the Faith for its use.

11. With due allowance for the needs of collaborators with the Sacred Congregation for the Doctrine of the Faith, the members of the Theological Commission shall, in accord with the norms of the *Ordinis Servandi* of the Roman Curia, keep under papal secrecy matters treated by the Commission.

His Holiness, Pope Paul VI, in the audience granted to the undersigned prefect of the Sacred Congregation for the Doctrine of the Faith on 11 April, 1969, as well as by the letter of the Secretary of State, n. 134829, of 24 April, 1969, approved the statutes of the Theological Commission on "an experimental basis."

Given at Rome, 12 July, 1969.

AAS 61-540; S. C. Doct. Fid., Statutes, 12 July, 1969.

New Procedure in Doctrinal Examination (S. C. Doct. Fid., 15 Jan., 1971) AAS 63-234.

In accordance with n. 12 of the apostolic letter. *Integrae servandae,* issued *motu proprio* on 7 December, 1965,[1] the Sacred Congregation for the Doctrine of the Faith has established the following "Procedure in Doctrinal Examination" and makes it part of the public law.

1. Books and other publications or conferences whose contents pertain to the Sacred Congregation for the Doctrine of the Faith, are referred to the staff which is composed of superiors and officials and which meets every Saturday. If the opinion subjected to examination clearly and certainly contains an error in faith and if at the same time, as a result of its diffusion, proximate harm is threatened for the faithful or already exists, the staff can stipulate that the matter

[1] Reported in *Canon Law Digest,* 6, pp. 358-359.

proceed in an extraordinary manner, namely, that the Ordinary or the Ordinaries concerned should be informed at once about the matter and the author should be invited through his own Ordinary to correct the error. After the response of the Ordinary or Ordinaries has been received, the regular meeting of the staff will take appropriate steps according to the norm of the following articles 16, 17 and 18.

2. The staff meeting likewise decides whether there is need to investigate more closely in the regular procedure certain writings or conferences. And if it seems it should, the staff itself will designate two experts, who are to prepare opinion studies, and a reporter "for the author." Moreover, the staff meeting will decide whether the Ordinary or Ordinaries concerned should be informed at once or only after the investigation has been completed.

3. Those to whom has been entrusted the task of drawing up "opinion studies," for that purpose inquire into the authentic work of the author to see if it squares with divine revelation and with the Church's magisterium. Thus they form a judgment on the doctrine therein presented and, if the case warrants it, recommend what must be done.

4. The cardinal prefect, the secretary and, if these are absent, the subsecretary have the power, if the matter is urgent, to entrust the opinion study to one of the consultors; however, only the staff designates an expert "out of a special commission."

5. The opinion studies arc set up in print together with the office report in which are recounted all the details useful for evaluating the proposed matter as well as the prior acts which are pertinent to the issue. Finally, the documents which are suitable for a deeper investigation of the contents, especially in view of the theological context of the issue which is treated, are printed.

6. The report together with the aforesaid opinion studies is given to the reporter "for the author." Furthermore, he may look into all the documents which exist on this matter in the files of the S. Congregation. I hc task of the reporter "for the author" is: to point out, in the spirit of truth, the positive aspects of the doctrine of the author and his merits·, to cooperate for the correct interpretation of the genuine meaning of the opinions of the said author in their general and their theological context; to respond to the observations of the other reporters and consultors; to express a judgment on the influence of the author's opinions.

7. The same report together with the opinion studies and other

documents is turned over to the consultors at least one week before discussion is had on it in the consultors' meeting.

8. The discussion in the meeting begins with an exposition by the reporter "for the author." Following him, each consultor, orally or in writing, gives forth his opinion on the matters contained in the text under examination; then the reporter "for the author" can request the right to speak in order to respond to the observations or to explain the issues more clearly; and, lastly, he leaves the conference room while the consultors make known their own opinions. Finally, when the discussion has been completed, these opinions are read and are approved by the consultors themselves.

9. Then the total report together with the opinions of the consultors, the report "for the author," and the summary of the discussion is distributed to the regular session of the cardinals of the Sacred Congregation for the Doctrine of the Faith at least a week before it is discussed by the members of the Congregation. Each one of the seven member-bishops living outside the city can take part with full right in the regular session.

10. The cardinal prefect presides over the regular session, sets forth the issue itself, and declares his mind on it; the others follow in order. Their opinions arc collected by the subsecretary and committed to writing in order that after the discussion and show of votes they may be read and approved.

11. The cardinal prefect or the secretary, when one or other of them next has an audience with the Supreme Pontiff, proposes these decisions to him for approval.

12. When no erroneous or dangerous opinions in the sense defined above in article 3°, are detected in the examination, this outcome is brought to the notice of the Ordinary if he was previously informed of that examination. Contrariwise, if in the course of the examination false or dangerous opinions are found, that is announced to the author's Ordinary or to the Ordinaries concerned.

13. The propositions which have been declared to be considered false or dangerous arc made known to the author himself so that within a month of available time he can transmit his written response. Furthermore, if there should be need of a conference, the author will be invited to meet and confer with persons deputed by the Sacred Congregation.

14. The said delegated persons must write up, at least in summary form, the conference which was held and, together with the author, must sign the sheet on which this conference is written up.

15.Both the written response of the author and the summary of the conference, if one happened to be had, will be presented to the regular session so that it can decide the matter. If, however, that written response of the author or the conference shows new doctrinal topics which should be examined more subtly, that response or summary of the conference is first of all set forth before the meeting of the consultors.

16.If, on the other hand, the author shall not have responded or, having been invited to a conference, does not come, the regular session will take appropriate steps.

17. The regular session also determines whether and in what way the outcome of the examination should be publicized.

18. The decisions of the regular session are submitted to the Supreme Pontiff for approbation and are then communicated to the Ordinary of the author.

The Supreme Pontiff, Paul VI, in the audience granted on the 8th day of January, 1971, to the undersigned cardinal prefect of this Sacred Congregation, confirmed and approved these regulationsand ordered that they be made part of public law.

From Rome, the 15th day of January, 1971.

AAS 63-234; S. C. Doct. Fid., regulations, 15 Jan., 1971. Annotations in *Rev. Espan, de Der. Canon.,* 28 (1972),63-91 (Alcaina Canosa).

Biblical Commission: New Regulatory Laws (Paul VI, 27 June, 1971) AAS 63-665.

Following is the apostolic letter, *Sedula cura,* issued *motu proprio,* in which "new laws are established for the regulation of the Pontifical Biblical Commission."

The diligent care with which the Church has always striven to achieve a daily deeper understanding of sacred scripture so that she might unceasingly feed her children with the divine words' is especially and openly shown in our times since the Second Vatican Ecumenical Council prescribed that, in order to foster Christian living more earnestly, the very ample riches of the word of God should be more bountifully and more fruitfully laid open to the faithful.

1Cf. Cone. Vat. II, *Const, on Div. Rev.,* n. 23.

The outstanding magnitude and importance of this duty to which the Spouse of Christ applies herself today with renewed diligence, certainly demands of her that she promote the study of the sacred literature with every means. For this reason the said Ecumenical Synod gave this timely advice: *Catholic exegetes, then, and other scholars is sacred theology, working diligently together, should take pains that, under the vigilance of the sacred magisterium, they so investigate and set forth the divine literature with suitable aids that the greatest number of ministers of the divine word may be able beneficially to supply the People of God with the nourishment of the scriptures.*2

On the other hand, since the advancing learning of these times daily raises new questions in these disciplines which are not easy to resolve, it thereby turns out that the task entrusted to those who give themselves to sacred literature is very difficult. Even though these scholars have need to pursue these studies by a method and avenue which harmonize with the more recent scientific researches, nevertheless, they know that God has committed the sacred scriptures not to the private judgment of learned persons but to His Church. As a result, these scriptures must always be interpreted in accordance with Christian tradition and hermeneutics and under the guardianship and protection of the Church's magisterium.3

Therefore, motivated with the intent of helping the advance of sound doctrine in biblical matters by a more effective method, and of preserving the interpretation of the scripture unharmed by any rashness of opinions, as well as of better coordinating the collaboration of exegetes and theologians with the Holy See and among themselves,4 We have thought it opportune to direct Our concerns and thoughts in a special way onto the Pontifical Biblical Commission, which Our predecessor, Leo XIII, by his apostolic letter, *Vigilantiae studiique,* issued on 30 October, 1902, established for the purpose of correctly advancing the study of sacred literature. The benefits which have thus far been derived for the protection and growth of biblical studies from the work of this Commission right from its beginning, confirm Our conviction regarding its usefulness and importance. But in order that the Church may be able to derive even greater fruit from it, it seems to Us that nothing more suitable and

2*Ibid.,* n. 23.

3Cf. Cone. Vat. I, sess. Ill, ehap. II, *De revelatione;* Cone. Vat. II, *Const, on Div. Rev.,* n. 12.

4Cf. *Const, on Div. Rev.,* nn. 12 and 23.

more effective can be done than to regulate this Pontifical Commission with new and more apt laws. But this is done in such a way that, as regards its mode of action, its raising and handling of questions, the assigning of the various duties, and, finally, the number and selection of those who will make up the Commission, it itself may continue to carry on its work more expeditiously and in keeping with the increased needs of Christian society.

Consequently, after having maturely weighed everything, Wc, on Our own initiative and by Our apostolic authority, establish and decree the following new laws for the regulation of the Pontifical Biblical Commission.

1.The Biblical Commission, which, in keeping with its role, continues to promote correctly studies in biblical matters and to afford auxiliary work to the Church's magisterium in the interpretation of sacred scripture, is reorganized according to new normsand is combined with the Sacred Congregation for the Doctrine of the Faith.

2. The cardinal prefect of the Sacred Congregation for the Doctrine of the Faith discharges the function of president of the Biblical Commission and can be assisted by a vicegerent who is to be selected from the members of the Commission.

3.The Biblical Commission is composed of scholars in the biblical sciences from various schools and nations who excel in learning, prudence and their whole attitude towards the Church's magisterium.

4. The members of the Biblical Commission are proposed to the judgment of the Supreme Pontifff by the cardinal president after consultation with the episcopal conferences and are appointed by the Pontiff for a five-year term and can be reappointed upon completion of that term. However, the number of members should not exceed a maximun of 20.

5. I'hc secretary of the Biblical Commission is proposed by the president of the said Commission and is appointed by the Supreme Pontiff for a five-year term and is numbered among the consultorsof the Sacred Congregation for the Doctrine of the Faith. When the five-year term has been completed, he can be reappointed. It is advisable, however, that, insofar as possible, the cardinal prefect institute a consultation among the members of the Commission before he submits to the Supreme Pontiff the names of those suitable for this post. . MH

6. A plenary session of the Biblical Commission is convoked at least once a year.

7. If the study of particular questions so demands, the cardinal president can set up special subcomissions made up of members who are singularly expert on that issue. When the study has been completed, the subcommission terminates its assignment. With the approval of the president of the Commission, the subcommissions can also consult other experts and, if the case so warrants, even non-Catholic experts. Those who arc called upon for such consultation do not thereby become members.

8. The members of the Biblical Commission may also be consulted by writing.

9. Without prejudice to the prescription of n. 136 of the apostolic constitution, *Regimini Ecclesiae universae,*5 questions and topics which arc to be subjected to study are designated by the Supreme Pontiff or by the president of the Commission upon proposal by the Sacred Congregation for the Doctrine of the Faith, or the Synod of Bishops, or the episcopal conferences, or by the Biblical Commission itself at the suggestion of its own members, or also by Catholic universities and biblical associations.

10. The conclusions arrived at by the Biblical Commission in its plenary session and, if the case so warrants, after having made previous use of special commissions, will be submitted to the Supreme Pontiff and will be turned over for the use of the Sacred Congregation for the Doctrine of the Faith.

11. It is the responsibility of the Biblical Commission to carry' out studies as well as to prepare instructions and decrees which can be made part of public law by the Sacred Congregation for the Doctrine of the Faith, with special mention made of the Biblical Commission and with the approval of the Supreme Pontiff unless in particular cases the Supreme Pontiff himself shall have determined otherwise.

12. It will be the concern of the Biblical Commission to foster relations with various institutes of biblical studies, whether Catholic or non-Catholic.

13. The said Commission must be consulted before new norms on biblical matters are issued.

14. The Biblical Commission continues, until other provision is made, to confer academic degrees in biblical matters in accordance with special norms which must be revised in a timely manner.

15. The members of the Biblical Commission shall religiously observe secrecy on the matters treated by the Commission in

5Cc";on *Law Digest.* 6, p. 356.

keeping with the nature and importance of those matters and by following the norms which arc in force regarding the said secrecy.

All that We have decreed by this letter, issued on Our own initiative, We order to be held firm and ratified and to go into full effect as of the eighth day of the month of July of this year, everything to the contrary notwithstanding, even those things worthy of special mention.

Given at Rome, at St. Peter's, the 27th day of the month of June in the year 1971, the ninth of Our pontificate.

AAS 63-665; Paul VI, *motu proprio,* 27 June, 1971.

Incarnation and Blessed Trinity: Declaration against some recent theological errors concerning these mysteries of the faith; S. C. Doct. Fid., 21 Feb., 1972 (AAS 64-237)—English version in *Cath, Mind,* 70 (June 1972),61-64;*Clergy Rev., 57* (1972),705-710; *T.P.S.,* 17 (1972),64-68. Annotations in *Monit. Eccles., 97* (1972),179-184 (Betti).

Theological Commission: Paul VI, allocutions to plenary sessions: 1st, 6 0«., 1969 (AAS 61-71 3)-English version in *T.P.S.,* 14 (1969),200-203; 4th, 11 Oct., 1972 (AAS 64-682)-English version in *T.P.S.,* 17 (1972),263-265.

CANON 248

New Norms on the Pastoral Care of Emigrants (Paul VI, 15 Aug., 1969) AAS 61-601.

Following is the *motu proprio, Pastoralis migratorum cura.*

The pastoral care of emigrants has always attracted the maternal solicitude of the Catholic Church which, to be sure, in the course of centuries, has never ceased to help by every means those who, like the exiled Christ in Egypt with the family from Nazareth, are forced to migrate far from their fatherland.

The outstanding testimonial of that solicitude of the Church is the apostolic constitution whose title is *Exsul Familia,*[1] issued on the 1st of August, 1952, by Our predecessor of venerable memory, Pius XII. In more recent times this constitution has been considered the most noteworthy document of the Roman Pontiffs relative to questions of this nature.

The seriousness and importance of this matter did not escape the

AAS 44 (1952),649 ff.; reported in *Canon Law Digest,* 3, pp. 84-98.

Fathers of the Second Vatican Ecumenical Council. Stirred by the notion of arranging in a better and more efficacious way the spiritual care of emigrants, they examined the issue from every angle and especially in regards to its religious phase inasmuch as that is closely tied in with the Church's own purpose which primarily looks to the procurement of salvation for souls.

Indeed, after the Ecumenical Council recommended special solicitude for the faithful *who, because of their condition of life, cannot sufficiently make use of the common, ordinary pastoral care or are completely cut offfrom it as are very many migrants, exiles and refugees,* it earnestly exhorted the episcopal conferences, particularly the national ones, *to study carefully the more pressing problems confronting those mentioned above and, through common agreement and united efforts, to look to and to promote the spiritual care of those people by suitable means and institutions* 2 Moreover, the same Council addressed these additional exhortations to bishops: *They should show themselves solicitous towards all, no matter what their age, condition or nationality, whether they be natives, or strangers, or foreigners.3*

It is easy to understand that this pastoral care cannot be effectively exercised unless a proper evaluation is had of the spiritual heritage as well as of the mental outlook which characterize emigrants. In this regard, one's native tongue is of great importance since it is by means of it that the emigrants express their thoughts, their mental attitude and their religious life. And yet, as is evident, caution must be exercised lest differences of this kind and adaptations to the groups from various countries, even though legitimate, become detrimental to that unity to which, according to St. Paul's counsels, all in the Church are called: *For in one Spirit we were all baptized into one body, whether Jews or Gentiles, whether slaves or free? for you are all one in Christ.5*

It was necessary, therefore, that the Apostolic See should make its own this solicitude of the Ecumenical Council and should afford the bishops and the episcopal conferences the opportunity to make better provision for the spiritual care of these migrant groups who, to be sure, arc not only entrusted to their pastoral ministry as are

'*Decree on the Pastoral Office of Bishops,* n. 18.
3*Ibid.,* n. 16.
4/ Cor. 12:13.
SG<i/. 3:28.

the rest of the faithful, but also, because of the peculiar situation of their life, require a sedulousness corresponding to their needs.

On the other hand, the vastly changed conditions in which migrations take place today, have brought it about that there is daily greater need to revise the norms which the Apostolic See has already-provided for this matter and to accommodate them to the new circumstances of the times. In other words, it is necessary to put into a new and better form the ordering and structure which support the task of providing spiritual care to the emigrants so that the manifold experience already possessed and the combined efforts of all may be used for this task. Consequently, apropos of the various cirumstances of time and place, the bishops will be able to use some special forms of apostolate which experience has already sustained. However, since the field of the apostolate to the emigrants is very extensive and needs a right evaluation on the part of all and an active combining of the efforts of all, it is altogether necessary that, in addition to the priests who are fully engaged in this kind of ministry, religious also and laymen join forces to labor on this task.

Wherefore, after mature weighing of everything and attentive consideration of the opinions of different conferences and of members of the Sacred Congregation for Bishops, of Our own initiative and by Our apostolic authority, We decree that the pastoral norms on the spiritual care of emigrants which are contained in the apostolic constitution, *Exsul Familia,* should be appropriately revised by the Sacred Congregation for Bishops to whom, as a result, We assign the task of promulgating the said norms by means of a special instruction.

A.ll things to the contrary notwithstanding.

Given at Rome, at St. Peter's on the feast of the Assumption of B.V.M., the 15th day of August, 1969, the seventh year of Our pontificate.

AAS 61-601; Paul VI, *Motu proprio,* 15 Aug., 1969.

instruction on the Pastoral Care of Emigrants (S. C. Episc., 22 Aug., 1969) AAS 61-614. ■ I

Acting with the intent of describing for bishops and pastors of souls plans of action which are in better harmony with pontifical norms, with tbe constitutions and decrees of the Second Vatican Council, as well as with the needs of today's emigrants, tbe Sacred

Congregation for Bishops has decided that the apostolic constitution, Exsul Familia,[1] *must be updated.*

Consequently, after repeated consultations with various episcopal conferences, it drew up this instruction which was favorably examined by the Fathers of the Sacred Congregation for Bishops in its plenary session held on 21 November, 1968.

After he has listened to the cardinal of the Sacred Congregation for Bishops, the Supreme Pontiff, Paul VI, approved the present instruction with his apostolic letter, Pastoralis migratorum cura,[1a] given of his own initiative on 15 August, 1969, ordered that it become part of the public law, and set the first of next October as the day on which the norms of this instruction become effective.

Chapter I

GENERAL PRINCIPLES

1. *New forms of migration.* There is nobody who does not know how easily and frequently men of our time travel to various countries for any of many reasons. The rapid, technical, economic progress, the reciprocal needs of citizens and nations, the combination of fuller and more frequent so-called interdependence, the widespread desire in civil society to promote the juridical and political unity of the human family, and, finally, the enormous present-day increase of means of communication — all these have made space broader and have added new incentives to old initiatives.[2]

It is obvious that some seek out foreign climes because compelled by political or economic circumstances. Many persons, on the other hand, constantly abandon home and homeland to live elsewhere drawn by greater industries or motivated by a desire for urban life. For all these persons the economic cooperation set up between nations also promotes readier opportunity to find work in other localities. We must add in the friendly cooperative work in the sciences and technical arts among people who are especially intent on progress; also the greater frequency of effective, mutual contacts derived from culture as such, by reason of the international institu-

[1] AAS 44 (1952), 649 ff.s reported in *Canon Law Digest,* 3, pp. 84-98.

[1a] AAS 61 (1969), 601-603; reported above under this same canon.

[2] Cf. *Const. on Church Today,* nn. 4-6, 25, 26;encyc. *Pacem in terns, AAS* 55 (1963). 291.

tes which have been established far and wide, and the proffered opportunity to attend foreign universities for studies.

2. *Unity of tbe human family.* Front this wandering of peoples arises a wider cause of "conformity" either of all peoples or of the whole world. In this "conformity" is easily seen "God's Spirit who, with a marvelous providence, directs the unfolding of time and renews the face of the earth."3

Precisely because these migrations foster and promote mutual understanding and cooperation on the part of all, they give witness and cultivate unity in the human family, and they plainly strengthen between peoples fraternal relations in "which each party is at the same time a giver and a receiver."4

3.*Problems inherent to migration.* But even though it is recognized that there arc today widespread opportunities which encourage travel abroad, it must not be denied that there arc at the same time many dangers and difficulties which very often are multiplied by the very breadth of the activity or, at least, are by no means lessened. Today, to be sure, commonplace social needs are increased without, however, always promoting a corresponding maturity of the person and truly personal relations. From it arise many difficulties and hardships "of which man himself is at once the cause and the victim."5

Especially must we recall the anxieties of souls due to economic inequalities, the conflicts deriving from diversity of talents and traditions, "with respect to the fundamental rights of the person, every type of discrimination, whether social or cultural, because of sex, race, color, social condition, language or religion,"6 and the historical prejudices which reflect political or ideological intolerance.7

4. *Influence on religious life.* While all thse factors deeply affect the structure of human society and even of the family and the human person as such, they usually also bring harm of hardly a slight degree to the religious life. Experience shows that members of the faithful who find themselves in these circumstances are subjected to the risk of relaxing their practice of the Christian life or gradually

Const. on Church Today, n. 26.
4*Decree on the Laity,* n. 14.
5*Const, on Church Today,* n. 8.
6*Ibid.,* n. 29.
7Cf. *ibid.,* n. 4. encyc. *Populorum progressio,* ŋ. 76

abandoning it because of an undue so-called "interiorization" of their faith. It happens that the great treasure of a faith which has been highly developed up to the present is lost, an eventuality which usually and rather easily takes place when a heritage which is more humane and, cultural and with which the religious faith of the emigrants is usually closely associated, is called into question.

As a result, since holy mother, the Church, was established precisely "to bring all men to share in Christ's saving redemption,"8 and "is truly and intimately linked with the human race and its history,"9 she has a constant and special solicitude for her sons who, for one reason or another, leave home and seek our other regions. In faithful implimentation of the mandate she has received from heaven, she not only strives to bring the consolation of religion to all emigrants but also eagerly fights that the rights of the human person and the fundamentals of the spiritual life are sanctioned and preserved.10

5. *Recognition of basic human rights.* Furthermore, man, "whole and entire, body and soul,"11 is the primary concern of the Church's pastoral solicitude. Since, then, the care of souls must be adjusted to the needs of the times, it seems very appropriate that the highest and basic rights of the human person be again and again recalled to mind so that governments may recognize them and, having recognized them, safeguard them, and so that all emigrants may realize that they have taken on the duties of citizens and of the community and should earnestly see to the fulfillment of their obligations.

6.*Right of enjoyment of one's homeland.* From the social nature of man it follows that a person is a citizen of some commonwealth and homeland to which he is linked not only by the law of race and blood but also by spiritual and cultural tics.12

The highest and basic rights of man arc certainly then violated when either as individuals or as an ethnic group they are deprived of their home and homeland because of differences in race or religion or other reason.

7.*Right to migrate.* It is averred that man has a natural right to use material and spiritual goods whereby "he more fully and readily

^*Decr. on the Laity,* n. 2.
9*Const. on the Church Today,* n. 1.
^*Ibid.,* nn. 3 and 63; encycl. *Pacem in terns, loc. cit.,* p. 301.
Const, on Church Today, n. 3.
12Cf. encyc. *Pacem in terns, loc. cit.,* p. 263.

achieves his own fulfillment."[13] When, then, a state labors from a lack of resources and a large population and cannot supply its citizens with the use of such goods or places conditions which are injurious to human dignity, men enjoy the right to emigrate and to find a new home on foreign soil and to search out conditions of life worthy of a man.[14]

This right belongs fully not only to individual persons but also to whole families. For that reason "in decisions affecting emigrants their right to live together as a family should be safeguarded,"[15] with due consideration of their family needs for housing especially, for the education of children, working conditions, social security and taxes.[16]

Public authorities unjustly deny this right of the human person if they stand in the way of emigration or immigration, or if they adduce obstacles,[17] and especially if migration is required by the serious state of the commonweal truthfully considered.[18]

8. *Servicing the public good.* Even though citizens possess the right to migrate, they must "remember that they have the right and duty to contribute according to their ability to the true progress of their own community. Especially in underdeveloped regions when all resources must be put to urgent use, those gravely endanger the public good"[19] who, possessed of resources, are drawn on by a tempting desire to migrate because they themselves "deprive their community of the natural and spiritual aid it needs."[20] Areas which arc technically advanced should not fail to consider the promotion of this public good in underdeveloped regions. For this reason, they should foster the preparation and return to their homeland of artisans and young students after each of them has acquired expertise in his line and, perhaps, been awarded a corresponding diploma.

9. *Responsibility of public authority to prepare work opportunity.* Meads of state should correspondingly busy themselves

[13] *Const, on Church Today,* n. 26.

[14] Cf. const. *Exsul Familia, AAS* 44 (1952), lit. 1, p. 682; encyc. *Pacem in terris, loc. ctt.,* pp. 263 and 265; *Const, on Church Today,* nn. 65 and 69.

[15] Decr. *on the Laity,* n. 11.

[16] *Ibid.*

[17] Cf. *Discorsi e Radiomessaggi di Pio XII,* cd. Vat., vol. 7, pp. 391-393; *AAS* 38 (1946), 146 ff.

[18] Cf. *ibid.,* vol. 9, p. 317; encyc. *Pacem in terris, loc. cit.,* p. 285.

[19] *Const. on Church Today* n. 65.

[20] *Ibid.*

about such a responsibility on the part of the citizens to create sources of work in their own areas. "In such cases we believe it to be very reasonable that, in as far as possible, the work should seek out the workers and not the workers the work."[21] As a result, migration will not follow from coercion but from the free choice of the human person.

10. *Responsibilities to the receiving community.* "Whoever is going to encounter another people, should have great esteem for their heritage and language and customs."[23] Therefore, immigrants should willingly adapt themselves to the community which receives them and they should hasten to learn its language so that if their stay is drawn out for a rather long time or becomes permanent, they will be able more easily to take their place in the new society. On the other hand, all this will eventuate in a healthy and effective way if all form of coercion and hindrance is removed and if it takes place spontaneously and gradually.

In this matter those must be treated with great understanding who, because of ideological differences or political parties, are forced to abandon their homeland and are driven from home as exiles or deported to another place. Such persons, from the very circumstances of their case, do not, as a rule, easily or seriously adjust and accommodate themselves to the new society they have joined.

11. *Right to preserve one's native language and spiritual heritage.* Migrants bring along with them their mental attitudes, their language, their culture, and their religion. /XII these constitute a kind of heritage of opinion, tradition and culture which will continue outside the homeland. This heritage should be highly esteemed everywhere.

The last place of consideration is not claimed for the mother tongue of migrants which is the instrument for bringing out their mental attitude, their thought and cultural patterns and the program of their spiritual life.[24]

Since all these arc the natural means and road to opening up and understanding a man's innermost self, the care of migrants will certainly bear richer fruit if it is ministered by persons who have good knowledge of all these matters and who have in a rather full sense a correct knowledge of the migrant's language. As a result, it is

[21] *Ibid.,* n. 66.
[22] Encyc. *Pacem in terris, loc. cit.,* p. 285.
Deer, *on Missionary Activity,* n. 26.
[24] Cf. *Const, on Church Today,* n. 29.

evident and is hereby confirmed as appropriate that care of migrants be exercised by priests of the same language and that for all the time which utility requires.25

12. *Programs of religious care.* Programs, juridic forms and time factors which must be considered for the care of migrants, should be especially weighed in each and every case and harmonized with the actual circumstances.

It will help to recall some of these circumstances: the duration of the migration, the process of adaptation (of first and following generations), the differences in civic culture (speech and usages), the manner of the migration itself, i.e., whether it is seasonal, permanent or temporary, whether carried out by a small or a large group of migrants, whether geographically homogeneous or heterogeneous. Therefore, it cannot escape anybody what is to be the principal factor in rendering service to souls by the Church: namely, it should be constantly attuned and continue to be adjusted to the needs of the migrants.

13. *"Pluralism" in the new world.* When all these things arc diligently adverted to and faithfully observed by pastors of souls, migrants will not only more readily avoid the dangers and harms of their situation but also will have frequent happy occasion to converse with their confreres in the antechamber to the kingdom of God. Many needs and attendant features usually grow out of life's social intercourse whether with the faithful of other beliefs or with non-Christians or, finally, with non-believers. Moreover, it can happen that in the same society which professes Catholicism and Christianity, are mingled numerous followers of another religion - artisans, students of literature or science, while, on the other hand, in virtue of mutual cooperation between nations, "there is a daily increase in the number of Catholics who" as experts, arc sent afar by international or bilateral associations or by certain private groups to stir up the development of those territories."26 Consequently, the Church will be given a favorable opportunity — in keeping with the intent of the Second Vatican Council — both to promote unity among Christians,"27 and, if there is question of non-Christians and non-believers, bringing it about that "by the living witness of each

25Cf. const. *Exsul* Femi/ia, Tit. 11, chap. 1, n. 5, §1, 1°. chap. IV, nn. 33. 34

26 Encyc. *Populorum progressio,* ɳ. 71.
27Cf. *Deer, on Ecumenism,* nn. 9, 10.

one of the faithful and of the total community it may be a sign which points out Christ to them."28

14. *Mission of the People of God as a Whole.* The complex variety of questions and problems, the many existing difficulties, the diversity of places and circumstances occupy long and zealous working time on the part of the bishops and episcopal groups and require fraternal activity on the part of the People of God towards migrants whether they are sojourning inside or outside the boundaries of the homeland. There certainly must be no doubt but that all who arc honored with human dignity and especially those who arc enriched with Christianity, "will want to exert themselves by friendly and combined efforts to open up to all the way to a more human mode of life in which each one will be loved and helped as a brother by brothers."29

15.*The pastoral concept of migrants.* Today's extremely rapid migrations around the world are composed of various categories: hired hands and managers, students and technicians, noblemindcd volunteers, refugees and exiles. Although the levels of such persons differ greatly, yet all of them find themselves in special conditions of life which arc very unlike those to which they are accustomed in their homeland and so they arc unable to have the assistance of the local pastors. For this reason, the Church strives with motherly solicitude to exercise appropriate pastoral care in their regard. Accordingly, under this pastoral concept, which is presently being treated, all arc included within the term *migrants* who, for whatever reason, are living outside their homeland or their own ethnic community and because of real needs require special care.

To advance this kind of care and render it easier, the following norms arc set forth in chapters.

Chapter II

THE SACRED CONGREGATION FOR BISHOPS

16. §1. It belongs to the Sacred Congregation for Bishops to regulate, provide, coordinate and promote everything which pertains to the spiritual welfare of Latin-rite members of the faithful, no matter where they migrate, after, however, consulting the Sacred

23Deer, on Missionary Activity, n. 20.
29Encyc. *Populorum progressio,* ɳ. 82.

Congregation for the Oriental Churches or the Sacred Congregation for the Evangelization of Nations if there is question of territories subject to either of them and, likewise, without prejudice to the responsibilities and authority of the local Ordinaries in those matters which concern the care of souls.30

§2. Similarly, after having dialogued with the Sacred Congregation for the Oriental Churches, a task of the Sacred Congregation for Bishops is to promote the same help for the advantage of migrants of the Oriental rites whenever members of the individual Oriental rites seek out places which arc not subject to the said Sacred Congregation and where a priest of their own rite is lacking.

§3. In accord with the norms in the *motu proprio* letter beginning *Ecclesiae Sanctae,* the above-mentioned Congregation, after having heard the interested episcopal conferences or at the request of some episcopal conferences, can, as a way to provide spiritual care to certain large social groups, "establish prelatures consisting of specially trained priests from the secular clergy. These prelatures are governed by their own prelates and have their own statutes."31

§4. Since, according to the statutes of the apostolic constitution, *Regimini Ecclesiae universae,3233*to the Sacred Congregation for Bishops arc attached the Commissions and Secretariats for Migration, the Apostolatcs of the Sea, of the Air, and for Migrants, the responsibilities listed above in §1 devolve on the said Congregation for fulfillment for the benefit of those who belong to the Apostolates of the Sea, of the Air, and for Migrants.

§5. Religious institutes which have been founded for the purpose of furnishing spiritual care to migrants, arc subject to the said Congregation in virtue of its special purpose. Consequently, it has legitimate authority only over those matters which pertain to members of these institutes in their capacity as chaplains or missionaries, singly or jointly, of the migrants, without prejudice, how-

30Cf. *Deer. on Past. Off. of Bishops,* η. 18.

1, η. 4; complete text of this *motu proprio* is reported in *Canon Law Digest,* 6, pp. 264-298.

' 2Cf art. 52; the complete text of this constitution is reported in *Canon Law Digest,* 6, pp. 324-357.

33 The apostolic constitution, *Regimini Ecclesiae universae* (art. 69, 1°), gives competency over questions connected with recreational travel (popularly called "tourism") to the S. Congregation for the Clergy although the chaplain or missionary of the migrants can himself proffer spiritual assistance to rhe traveler if the latter lives in or passes through the territory assigned to the chaplain or missionary.

ever, to the right of the Sacred Congregation for Religious and Secular Institutes over matters which pertain to the observance of religious life.

§6. In keeping with the intent of the Second Vatican Council, the Sacred Congregation for Bishops takes care, together with the Secretariats for Promoting Christian Unity, for Non-Christians, and for Non-Believers, to interest itself in those common undertakings which seem to be favorable to a group of migrants of any faith whatever.

17.To look after everything which concerns migrations, the Sacred Congregation for Bishops uses the Office for Migrants and the Superior Commission for Migrants as auxiliaries.

18. §1. The Office for Migrants, which was long ago established within the Sacred Congregation for Bishops, is headed by a Delegate for Works for Migrants·, he is assisted by an appropriate number of officials.

§2. It is the task of this Office to study and to attend to those things which best promote the spiritual growth of Christian migrants, no matter what their language, race, nationality or – with due adaptation – rite; to attend and prepare sessions for the Superior Commission for Migrants·, to promote mutual relations with episcopal commissions; to dialogue and associate with associations from all peoples which in any way are interested in the care of migrants; and to carry on all other undertakings which seem useful and appropriate.

19. The Superior Commission for Migrants is composed of;

§1. a president whose function is discharged by the secretary *pro tem.* of the Sacred Congregation for Bishops.

§2. a secretary for which office is elected a Delegate for the Work for Migrants, the Apostolates of the Sea, of the Air and for Migrants.

§3. The following also belong to the said Commission:

a) the president and the secretary of episcopal commissions for migrants set up in the individual nations or, if there are no such officers, the national bishops-promoter and the officials of: the departments of the Roman Curia which may in some degree be

34The function of this secretary is often discharged at the same time by the national director.

concerned with the care of migrants, namely, the Council for the Public Affairs of the Church, the Sacred Congregations for the Oriental Churches, for the Clergy, for Religious and Secular Institutes, for Catholic Education, for the Evangelization of Nations; the Secretariats for Promoting Christian Unity, for Non-Christians, and for Non-Believers; the Council for the Laity, and the Pontifical Commission of Studies "Justice and Peace"; the delegates from the International Conference of Catholic Charities, the Catholic International Commission for Migrants, the Conference of Superiors of Religious Institutes of men and women; and, finally, the Superiors General of religious congregations for migrants.

b) other experienced and deserving men selected and appointed by the Sacred Congregation for Bishops from the ranks of the clergy or the laity.

§4. After having heard the secretary, the president selects the names of some members of the above-mentioned Commission and submits them to the Sacred Congregation for Bishops for approval to constitute a "Study Commission."

20. Phe Superior Commission for Migrants, inasmuch as it is a body with migrants in view, in order to gather suggestions for accomplishing and coordinating things, proposes to itself to:

§1 collect, write up and examine the opinions of all bishops as well as those which have been suggested and proposed by their delegates as members of the said Superior Commission.

§2. look thoroughly into whatever in any way pertains to migrants in accord with the decrees of the Second Vatican Ecumenical Council and, at the same time, to consider the needs of such persons needs which arc always undergoing change and development.

§3. transmit its opinion to the Sacred Congregation for Bishops which, after taking cognizance of them, can propose them to the episcopal conferences as norms whereby activities for safeguarding migrants may be more effectively and appropriately carried on.

§4. The above-mentioned Commission meets in plenary session at specified times and, if need be, in extraordinary sessions.

21. rhe Study Commission takes care:

§ 1. to treat of matters of major importance or pressing need.

§2. to propose appropriate advice to the Sacred Congregation for Bishops to solve these problems.

§3. This Commission meets in session twice a year.

Chapter III

NATIONAL CONFERENCES OF BISHOPS

Episcopal conferences, particularly the national ones, should carefully study the more pressing problems confronting those mentioned above (namely, migrants, exiles, refugees, etc.) and, through common agreement and united efforts, look to and promote the spiritual care of those people by suitable means and institutions after first of all attending to the norms which bave been established or will be established by the Apostolic See and which are aptly adjusted to the conditions of times, places and persons.35

The episcopal conferences are asked that, bearing in mind the great number of migrants and travelers today, they assign to a priest delegated for this purpose or to a special commission established for this purpose, everything pertaining to the study and direction of the spiritual care of these persons.36

Since pastoral needs more and more require that some pastoral underakings be directed and promoted jointly, it is fitting that some offices be established for the service of all or many dioceses of some determined region or nation. These offices can even be entrusted to bishops.37

It likewise pertains to the episcopal conferences to set up and promote projects whereby those who migrate from mission lands for the sake of studying or working may be welcomed as brothers and given aid through adequate pastoral care. For through them faraway peoples become neighbors in a certain sense and an excellent opportunity is offered to communities which have long been Christian to converse with nations which have not yet heard the gospel, and to show them the genuine face of Christ in their performance of love and assistance.38

In order that imigrants from mission countries may be properly received and assisted with due pastoral care by the bishops of nations which have long been Christian, cooperation on their part with missionary bishops is a necessity.39

35*Deer, on Past. Off. of bishops,* n. 18.
36Afotw *proprto, Ecclesiae Sanctae,* I, n. 9.
37/)ccr. *on Past. Off of bishops,* n. 42.
380t'cr. *on Missionary Activity,* n. 38.
39A1pZw *proprio, Ecclesiae Sanctae,* III, η. 23.

22. §1. In nations where a large number of migrants are had, the episcopal conferences should set up a special episcopal commission to take care of the migrants. It will have its own secretary who often may discharge the office of national director,40 and, as a result,can be admitted into the Superior Commission for Migrants.

§2. It is altogether fitting that priests, religious of both sexes - especially those who will be mentioned in art. 5 3, §1 – and laymen who are experienced in questions concerning migrants also be admitted into this commission.

§3. On the other hand, in other nations where the number of migrants is small, the episcopal conferences should at least designate a bishop-promoter to carry on their spiritual care.

23.To accomplish what the Apostolic See or the decrees of the Council have set down in this field, the national episcopal conferences themselves or through the national director or through some other institution should take to heart:

§1. to study the principal problems of migrants and, with special attention to the circumstances of peoples and places, enter into appropriate pastoral consultations whereby the migrants may be prepared to meet the new living conditions and may be properly welcomed in the separate regions of their homeland or in the countries they seek out.4 l

They should devote considerable efforts to leading on groups of non-Christians who often seem to be deprived of all help for both soul and body.

§2. to select and train priests for this special ministry and to recommend them to interested episcopal conferences of other nations or to their institutions so that, in accord with art. 36, §2, they may be accepted by them as chaplains or missionaries to the migrants.

§3. if it is warranted, to establish a college for priests destined to work with migrants or, at least, to choose certain institutes affiliated with major seminaries, if any such are at hand, for training candidates for the priesthood who arc from a particular language background. Priests, cither before they set out for foreign countries or when they have already lived in them, should, at set times, duly attend appropriate classes. Moreover, if it is advisable, they should strive earnestly to become acquainted with new forms of apostolatc

40Cf. note 34.

4 l Cf. encyc. *Populorum progressio,* η. 69.

and to gather information for themselves on conditions which look to the economic and social aspects of life and to civic culture.

§4. to stimulate religious *of* both sexes as well as lay members of the faithful to participate in undertakings of this kind, and to make wise use of those persons so that, with a well-arranged program, they may bring to this cause the greatest possible spiritual and social aid42

§5. after consultation with the Sacred Congregation for Bishops, to promote meetings at stated times throughout the nations or even throughout contiguous countries with the idea that the pastoral care of migrants may be suitably and effectively coordinated and, as it were, everywhere reduced to a unified program until such time as it may be accommodated to the particular circumstances of each people.

§6. to promote well-timed conversations with associations composed of persons from all peoples or from single countries and with state institutions and organizations so that the rights of migrants, also in social matters, may be upheld in a more suitable way and so that their education may be intelligently planned especially in learning the trade or art which may be by far best suited to meeting present-day needs.43

§7. to send annually to the Sacred Congregation for Bishops a general summary of the acts and to include also announcements which may be useful for drawing up statistical data, if any statistics are available, in order that a fuller knowledge may be had of the difficulties, suggestions and desiderata and in order that a readier response to them may be made.

42Cf. below, chapters VI and VII.

43With reference to the technical and social care of migrants, certainly nobody is unaware of the words of Pope Pius XII of venerable memory: "the International Catholic Commission for Emigrants was set up at Geneva and its office is to bring together and unite the forces of Catholic associations and committees everywhere, and to foster, strengthen and coordinate plans and works undertaken for emigrants or refugees" *(Motu propno, Exsul Familia, loc. at.,* Tit. I, p. 676),

Episcopal conferences can, therefore, make use of the enormous work of this International Commission not only regarding problems which mas be international but also those of each country with the intent that the undertakings and labors of national organizations caring for migrants may be brought to completion.

Available also to the episcopal conferences is the association which is called *International Conference of Catholic Charities (.Cantas Intemationalts)* to which various national divisions contribute so that provision is at hand for migrants, especially in financial matters.

24. §1. Migrants of every kind and all groups of persons who in our day are in any way assoeiated with rather frequent world trips, e.g., seamen, air erews, nomads, not only present new pastoral difficulties but also bring with them uncommon issues touching on the spiritual life, psychology, finance and proper control. This is especially true of exiles, refugees, and migrants who leave areas suffering from overpopulation and still struggling to attain a better status and progress.

§ 2. With a view to drawing up helpful means for a better solution of these serious issues in as far as possible, it is very' appropriate for episcopal conferences and local Ordinaries to designate annually a "Migrants' Day."44

§ 3. The celebration of this day has these special purposes in mind: that the children of the People of God, each in accord with his condition, and considering the divine plan of eternal salvation, may clearly understand his obligations and fulfill them by doing his part in those very matters which favor migrants; that all members of the faithful, after prayer to God, may implore help from heaven for suitable vocations; that a lively priestly apostolatc may be strengthened; and, finally, that the Christian faith of the migrants may remain firm and realize a lively growth.

§4. Relative to the so-called psychological difficulties of character and soul, Christians must engage in united work and effort to overcome all prejudicial thinking and segregation based on differences of nationality, race or religion, by creating better and more open relations as well as in a genuine fraternal union ot minds between peoples.45

§5. Since the innumerable and farsceing undertakings by chaplains, missionaries, social workers and all institutions favoring migrants bring with them new and serious difficulties for episcopal conferences and individual local Ordinaries, specifically as regards financial support and suitable management, "Migrants' Day" also has in view that members of the faithful may' carefully' consider the role they must play in furnishing resources to relieve the needs of their migrant brethren. As a result, episcopal conferences can seize upon the proffered opportunity of celebrating such day' to stir up more and more study on this topic by the faithful and to stimulate them to give a liberal donation to the necessary works.

44Cf. *Izxsul Familia,* Tit. II, art. 49.

45cf. cncyc. *Populorum progressio,* nn. 62-64.

§6. "Migrants' Day" should be celebrated at such a time and in such a manner as the circumstances of time and demands of civil society make advisable.

Chapter IV

LOCAL ORDINARIES

Special concern should be had for those faithful who, because of their condition of life, cannot sufficiently make use of the common and ordinary pastoral services of pastors or are completely cut off from them. Such persons are very many migrants, exiles and refugees, seamen and air crews, nomads and others of that kind. Appropriate pastoral methods should be promoted to advance the spiritual life of those who search out other regions for a time for the sake of recreation.[46]

Likewise, in similar circumstances, provision should be made for those faithful of different languages either through priests or parishes of that language or through an episcopal vicar well skilled in their language and also, if so warranted, endowed with the episcopal rank or other appropriate qualification.[47]

Episcopal vicars bave the ordinary vicarious power which the common law gives to a vicar general but only in a special part of the diocese or for a determined type of activity, or for the faithful of a determined rite or of a special group as specified in their appointment by the bishop of the diocese.[43]

Therefore, with reference to various forms of and programs for the appropriate ordering of the spiritual care of migrants, long use of them has shown that local Ordinaries should bear in mind what follows.

A) *Ordinaries of the places of departure:*

25. If it appears to be necessary or, at least, opportune, a special office for migrants should be set up and duly organized in the diocesan curia so that it can treat of their problems and business and so that it can also carry on other undertakings before or after their departure.

Const. on Past. Off. of Bishops, n. 18.
47Ibid., n. 23.
48A1otw *propno. Ecclesiae Sanctae,* I, η. 14, §2.

26. Ordinaries should remind pastors of the serious obligation which binds them to give religious instruction to all members of the faithful whereby, if and when occasion warrants it, they may more easily meet the difficulties and dangers of departure and may be able to enter into new relations with other persons, whether they are seeking a new home in their own homeland or are arriving in a foreign country where the residents profess a different or a mixed religious belief. Thus it turns out that whenever migrants return to their homes temporarily or perpetually, they know for certain that their pastor will always be a father to them.

27. Local Ordinaries should take care to become acquainted with and seek out priests, both diocesan and religious, who are suited for and equal to this kind of difficult ministry and should readily loan them to episcopal conferences requesting such priests.

28. Each Ordinary should not fail to submit a record of his needs to the national episcopal conference or to its institutes so that he can seek from it helps for his diocese and, conversely, so that he himself can contribute to other dioceses by carrying out whatever has been set down by the said episcopal conference regarding the pastoral care of migrants.

B) *Ordinaries of places of arrival:*

29. If it seems to be necessary in dioceses to which migration takes place, there should be set up in the episcopal curia a special office for migrants which should be headed by an episcopal vicar[49] or other priest for its administration.

30. §1. All members of the faithful, cleric, and lay, and religious, should be duly admonished that they should graciously welcome migrants and strive to render them aid in their great needs which may occur right at the start.

§2. They should also graciously and readily assist other Christians who do not enjoy full communion with the Catholic Church and who do not have sacred ministers of their own Church or Community. Neither should they deny help and assistance to non-Christians, if any come to them, although, with regard to sacred intercommunion, they are to observe the norms set down in the *Decree on Ecumenism* issued by the Second Vatican Ecumenical Council and in the *Directory on Ecumenism,*[49a]

49 Ibtd.

49aBoth documents reported in *Canon Law Digest,* 6, pp. 687-706 and 716-7 34 respectively.

§3. The spiritual care of all the faithful and, therefore, of migrants, living within the confines of the parish devolves especially upon the pastors who will one day have to render an account to God of how they have carried out their mandate. Therefore, they should be willing to join forces and share so great a burden with the chaplain or missionary, if any is present.

31. §1. In consultations with the national episcopal conference or with its institutes set up for activities of migrants, they should seek out priests who have the same language or nationality as the migrants.

§2. If, however, special circumstances, e.g., insufficient number of such priests, suggest another course, Ordinaries should make use of other priests who are versed in the language of the migrants and should strive as best they can that their new sons may be able to escape every kind of danger and risk in their profession of the Christian life.

§3. But if provision must be made for the spiritual care of migrants who belong to a different sacred rite, regard must be taken of the decrees which pertain to them[50] but without prejudice to the rights of their hierarchy.

§4. The same procedure is follow'ed, after consultation with their heads or ministers in accord with the prescriptions of the competent Congregations of the Apostolic Sec, if it is necessary to take spiritual care of Christians who are not in full communion with the Catholic Church.

32. In keeping with the norms[51] of the Second Vatican Council, local Ordinaries should not refuse to admit into the sacred liturgy use of the language proper to the migrants of any nationality.

33. In rendering pastoral care to migrants, the following programs and methods, after due adaptation to local circumstances and to the usage and needs of the said faithful, are fully sanctioned by use and experience.

§1. Where there is a great number of migrants who use the same language and who there take up permanent residence or constantly

^*Decr. on Past Off. of Bishops,* n. 23; cf. *Deer, on Eastern Catholic Churches,* nn. 4, 12, ff.; *Directory on Ecumenism.*

5**Const. on the Liturgy,* n. 38; *Instruction on Eucharistic Worship,* n. 19; both documents reported in *Canon Law Digest,* 6, pp. 32-67 and 518-549 respectively.

change, it can be opportune that the erection of a personal parish should be duly determined.[52]

§2. Further, a mission with the care of souls and with its boundaries duly drawn, can be erected by the bishop[53] in those places especially where migrants are not yet permanently established. A mission of this kind pertains to particular groups of persons who arc-stopping there for any reason for some period of time.

§3. As convenience may suggest, a mission with the care of souls which has been erected within the boundaries of one or several parishes, can be annexed to a territorial parish, particularly when such a parish is administered by members of the same religious congregation which renders spiritual care to the migrants.

§4. Whenever the erection of a personal parish or of a mission with the care of souls, whether independent or annexed to some parish, does not seem fitting, then the spiritual care of migrants should be provided by a chaplain or missionary of the same language with a defined territory for the exercise of his ministry.

§5. Where there is a sufficiently large number of migrants, in order to provide for their spiritual care, a chaplain or missionary can be constituted an assistant pastor *(vicarius cooperator)* of one or several parishes.

§6. Finally, in the case of new institutes which in our day pertain to several nations, in order that their members, using different languages, may not be wanting in spiritual care, priests who know those languages and who will engage in faithful ministry to those faithful, should be chosen.

34. §1. Each chaplain or missionary to migrants should, to the degree possible, be given some church or chapel or public or semi-public oratory for carrying out sacred services.[52]

52Cf. *Deer, on Past. Off. of Bishops,* n. 32; *tnotu proprio, Ecclesiae Sanctae.* I. η. 21, §3 where we read: "A diocesan bishop can on his own authority erect or suppress parishes or change them in any way, after hearing from the Council of Priests, but if there are agreements in effect between the Apostolic Sec and the civil government, or any extant acquired rights of any other physical or moral persons, the matter must be properly settled with them through the competent authority."

53 See die following from a declaration made by the Sacred Consistorial Congregation on 21 November, 1966: "The diocesan bishop, on his own authority, can erect in his diocese not only a personal parish but also a mission with the care of souls for members of the faithful of a different language or nationality with this provision, however, that the boundaries of the said mission be certainly and suitably determined and the care of souls of migrants entrusted to a missionary of the same language as the migrants."

§2. If this cannot be done, the local Ordinary should issue norms whereby the said chaplain or missionary to migrants can freely and cumulatively discharge his sacred function in some church, not excluding a parish church.54*

§3. Moreover, it seems appropriate to provide already constructed homes which the migrants can come to as their own in order there to develop their natural talents and gifts, to enjoy deserved quiet and relaxation, and to find salutary aid.

Chapter V

CHAPLAINS OR MISSIONARIES TO MIGRANTS AND DELEGATES FOR THEM

Provisions should be made for those faithful of different languages either through priests or parishes of that language or through an episcopal vicar well skilled in their language and also, if so warranted, endowed with the episcopal rank or other qualification *3

A) *Chaplains or Missionaries*

35. Priests who have legitimately received from ecclesiastical authority a mandate to render spiritual care to migrants who use their own language are called chaplains or missionaries to migrants.

36. §1. Priests desirous of undertaking the spiritual care of migrants should first obtain the necessary authorization from their own Ordinaries. Thereafter, they are at the service of their episcopal conferencc or its institutes which have been put in charge of migratory' work.

§2. Unless special circumstances suggest another course, in order that a rescript may' be drawn up by the Sacred Congregation for Bishops, the episcopal conference of the country from which the priests depart, must give them a definite document of designation and the priests must present it to the conference of that country to which they betake themselves. The second conference entrusts the thus admitted chaplains or missionaries to the local Ordinaries who then assign them to the spiritual care of migrants.

§3. As regards members of religious institutes who service this kind of care to migrants, special norms are given in chapter VI.

54Const. *Exsill Faniilta,* Tit. II, art. 37.

ssCon$r. *on Past Off. ofBishops,* n. 23, § 3; cf. this instruction, n. 24.

§4. In as far as possible, the spiritual care of migrants should be committed to a priest who has been duly trained for a suitable period of time and who seems equal to so great an assignment in virtue, learning, knowledge of the languages, and other qualifications of soul.[56]

37. §1. A chaplain or missionary to migrants remains incardinated in his diocese and, as a result, with the approval and consent of the interested superiors, may return to it. A chaplain who has received authorization to return, enjoys all the rights which he would have had if he had been assigned to the sacred ministry in his own diocese.[57]

§2. During his assignment, the chaplain or missionary to migrants is subject to the jurisdiction of the local Ordinary both in the exercise of his sacred ministry and in the maintenance of discipline.

§3. With reference to the administration of temporalities, chaplains or missionaries to migrants, with the previous approval of the national director, arc obliged to obtain permission from the local Ordinary for carrying out any form of economic endeavor and shall render an accurate account of it at the end of the year.

38. The chaplain or missionary on whom a personal parish has been conferred,[58] possesses parochial power together with all the rights and obligations which, according to common law, belong to pastors. In addition, even though he lacks territorial jurisdiction, he has the faculty to administer the sacrament of confirmation to his subjects who are on the point of death *(in articulo mortis).*[59]

39. §1. A chaplain or missionary to whom a mission with the care of souls has been entrusted,[60] possesses proper power and, with appropriate modifications, is equivalent to a pastor.

§2. Power of this kind is personal, that is, it is to be exercised only on the persons of migrants of the same language and within the confines of the mission.

§3. This power, however, by equal right is cumulative with the power of the local pastor.[61] Consequently, every migrant possesses the freedom to go either to the chaplain or missionary or to the local

56 Cf. const. *Exsul Familia,* Tit. II, art. 54.

57 *Motu proprio, Ecclesiae Sanctae,* I, η. 3, §4.

58 Cf. this instruction, art. 33, § 1.

59 From the audience with the Holy Father, 30 April, 1968.

60 Cf. const. *Exsul Eatnilia,* 1 it. 11, art. 34-35.

61 *Ibid.,* art. 36.

pastor for the celebration of the sacraments, not excepting matrimony.62

§4. Finally, over and above all that the common law gives to pastor, other rights and other obligations belong to the chaplain or missionary to migrants.

As regards rights, these must be recounted:

a) the power to administer to subjects, that is, to faithful of the same language, who are on the point of death the sacrament of confirmation in accord with the decree, *Spiritus Sancti munera623*

b) the power to assist validly at the marriages of spouses, one or other of whom uses the same language, within the confines of the entrusted territory and with observance of the other requirements of law, including the prescription of the Code of Canon Law' regarding liceity63 and of the norms for carrying out the investigation regarding the status of the spouses.64

As regard obligations, these must be recounted:

a) in the exercise of the sacred ministry for the faithful of his language, he has the same obligations which, according to the Code of Canon Law, are proper to every pastor.6566

b) specifically, the obligation:

1) to reside within the assigned territory in accord with the sacred canons.[66]

2) to keep, in accord with the norms of the Code of Canon Law. the parish books, an authentic copy of which he shall send to the local pastor at the end of each year.67

c) he is not, however, held by the obligation to celebrate the Mass for the people as set down in common law.68

§5. Priests who are assigned to the chaplain or missionary as associates and who are entrusted with a mission with the care of souls, acquire the responsibilities and faculties which are proper to an assistant pastor, after due adaptations have been made.

62*Ibid.,* art. 39.

623Reported in *Cation Law Digest,* 3, pp. 303-31 1; see also note in *Canon Law Digest,* 4, p. 255.

63C./.C„ can. 1097.

64 Cf. instruction of the S. C. of the Sacraments, AAS 33 (1941), 297-307; reported in *Canon Law Digest,* 2, pp. 253-276.

65Canons 467-469.

66Canon 465, §1.

67Canon 470; const. *Exsul Familia,* Tit. Il, art. 35, §2.

68Canon 466.

40. §1. Where the Ordinary cannot erect a mission with the care of souls, he should grant appropriate faculties to the chaplain or missionary so that migrants of the same language and living within a definite territory,69 may be able to benefit from the aids of sacred ministry.[70]

§2. In this kind of circumstances, bishops should see to it that the rights and obligations of the chaplain or missionary to migrants are accurately defined and harmonized with the office of the local pastor.

41. If a chaplain or missionary to migrants is legitimately functioning as an assistant pastor in one or several parishes,71 he should be granted a suitable amount of time as well as aids so that the desired rich fruits may derive from his ministry for the migrants themselves.

42. No matter what may be the juridical condition acquired by the chaplains or missionaries to migrate or what aid they render the migrants by mandate of the local Ordinary, they should strive in their attitude and work to keep close to the diocese in which they exercise the sacred ministry. As long as they live there, they should consider and respect the local Ordinary as holding the place of their own Ordinary.72

They should carefully observe diocesan pastoral norms. Associated in fraternal harmony with the priests living in the diocese and especially with the pastors, they should exert themselves for the salvation of souls. They should go to diocesan assemblies and earnestly attend the conferences on moral and liturgical matters. This common accord of minds and endeavors for the migrants should also afford an outstanding example of adaptation and cooperation.

43. §1. Local Ordinaries and pastors should look after chaplains and missionaries to migrants with the greatest charity and willingly help them in the exercise of a ministry which is certainly difficult so that may benefit the souls entrusted to them. They should take care that those conditions contribute to their benefit which other priests

69Cf. this instruction, art, 33, §4.

In this case, relative to errors and doubts regarding delegation for marriages, the prescription of canon 1096 should be kept clearly in mind: that the pastor and local Ordinary cannot grant general delegation for marriages but can delegate only for a determined marriaee

71Cf. n. 33. §5.

, °* S' S' °f Council· *Cum plures locorum Ordinarii,* .4AS 19 (1927), 99; reported in *Canon Law Digest,* 1, pp. 116-1 1«.

of the diocese enjoy and they should give them the same rights and safeguards in what concerns matters economical.

§2. It is reasonable that some of the chaplains or missionaries to migrants take part also in the priests' council.

§3. It is expedient, if circumstances so suggest, that local Ordinaries likewise grant to chaplains or missionaries to migrants the privileges and faculties which each of the local Ordinaries can, according to the apostolic letter, *Pastorale munus?3* grant to the priests of his diocese.

§4. Chaplains or missionaries are permitted to be absent from the mission for one month of the year provided that the needs of souls are provided for by a priest approved by the local Ordinary.

B) *Delegates for Chaplains or .Missionaries*

44. §1. In nations in which there are several chaplains or missionaries to migrants of the same language, it is desirable that one delegate be established for the chaplains or missionaries.

§2. After consultation with the interested episcopal conferences, the delegate for chaplains or missionaries is elected by the conference of the nation in which the delegate is to discharge his ministry.

45. 1'he delegate for chaplains or missionaries does not possesss any jurisdictional power, either territorial or personal, by virtue of his office.

46. After having consulted the local Ordinaries concerned, it belongs to the delegate for chaplains or missionaries to migrants.·

I) to enter into relations with the bishops of the nation or dominion where the chaplains or missionaries to migrants live in a permanent manner, and with other persons whom he ought to ap-

73Cf. AAS 56 (1964), 5-12; reported in *Canon l.aw Digest,* 6, pp. 370-378.

The Holy See has granted for migrants faculties whereby they can satisfy the precept of paschal Communion any time of the year and. if the general conditions arc observed according to the new norms established for indulgences (sacramental confession, Eucharist Communion, and prayer according to the intention of the Supreme Pontiff), they can gain a plenary indulgence on the feast of the titular and on the 2nd of August or on two other days determined by the Ordinary, if they piously visit the oratory or chapel of the mission, whether it have the care of souls or not, and there recite the Lord's prayer and the creed for the intention of the Supreme Pontiff.

proach in virtue of their office concerning everything which pertains to the spiritual good of migrants of his nation or language.

2) to supervise the chaplains or missionaries but without prejudice to the rights of Ordinaries and religious superiors,74

47. §1. Therefore, the delegate must take care:

a) that the chaplains or missionaries lead their lives in accord with the sacred canons and diligently meet their responsibilities.

b) that the decor and neatness of the churches, chapels, or oratories and of the sacred furnishings are accurately maintained, especially as regards the custody of the Blessed Sacrament and the celebration of Mass.

c) that the chaplains or missionaries properly carry out decrees passed by the episcopal conferences or by the local Ordinaries.

d) that sacred functions are performed in accord with the prescriptions of liturgical law and with the decrees of the Sacred Congregation for Divine Worship; that ecclesiastical property is carefully administered and the concomitant obligations, especially those regarding Masses, are duly discharged; that the parish books mentioned in n. 39, §4, *b),* 2) are correctly written up and preserved.

§2. The delegate must frequently visit the missions so that he may be sure about all these matters.

§3. It is also the responsibility of the delegate to visit an ailing chaplain or missionary and to endeavor that he not be wanting for spiritual and material assistance and, if he should die, for decent burial. He is also to take care that, if the chaplain or missionary' is sick or dies, the books, documents and other records pertaining to the mission are not lost or carried off.

§4. The responsibilities recounted in §§1-3 are cumulative with the power of the local competent authority.

48. With the concordant advice of the competent authority, the delegate will be able to convoke the chaplains or missionaries as appropriate occasion offers so that all together they can spend time on retreat and converse among themselves about adopting improved ministerial programs. On the other hand, before any desiderata or plans are brought into effect, they should be made known to the said authority so that they may be duly' approved.

49. It is expedient that the delegate be consulted whenever there is question of the appointment, transfer or removal of chaplains or missionaries, or of the establishment of new missions.75

74 Cf. const. *Exsul Familia,* Tit. II, art. 19-23.
proprio, Ecclesiae Sanctae, I, η. 19, §2.

50. The episcopal conferences of the place and also bishops for their dioceses can grant more ample faculties according as circumstances or needs may seem to demand.

51. At least once a year the delegate should make a report of the apostolate for migrants, the advances and the obstacles via the national director to the episcopal conference of the place as well as of his nation.

Chapter VI

RELIGIOUS MEN AND WOMEN

Especially in view of the urgent needs of souls and the scarcity of diocesan clergy, religious institutes which are not dedicated exclusively to the contemplative life, can be called upon by the bishops to provide help in various pastoral ministries but the character proper to each institute must be kept in mind. Superiors should, as far as they are able, encourage participation in this work, even by taking on parishes on a temporary basis.

52. Since institutes of common life very often have members who come from different nations and from widely scattered apostolic scenes and who have been trained by different formation programs, and since they can, as a result, have the benefit of priests or fellow workers endowed with special and apt training so that they can rather easily be transferred hither and thither, they can contribute very great aid to the pastoral care of migrants.

53. §1. The work done in this area by institutes which bind themselves by the evangelical counsels and pursue the apostolate for migrants as their proper and special purpose is certainly of great importance. Such institutes are the Missionaries of St. Charles (also called the Scalabrini Fathers), the Society of Christ for Polish Emigrants, the Pious Society of St. Paul for Maltese Emigrants.[77]

§2. Even though other institutes do not propose the apostolate for migrants as a purpose proper to themselves, nevertheless, they appropriately and laudably render spiritual care to faithful of that

[76] *Decr. on Past. Off. of Bishops,* n. 35.

[77] With reference to the care of migrants, it is worth recalling also that religious institutes which pursue this objective can be available to meet the requirements for the establishment of a prelature for various social groups of whom mention is made in the *motu proprio, Ecclesiae Sanctae,* I, η. 4.

class by spending time on a special program of works which are better suited to the nature and purpose of each institute.

§3. If a local Ordinary wishes to entrust the care of migrants to some institute, he should, besides observing the other requirements of law, enter into a written contract between himself and the superior of the institute78 after having treated of the matter with the episcopal conference or with episcopal institutes which promote the apostolic care of migrants in the country from which the religious depart.

§4. Even when there is question of institutes which have the care of migrants as their special purpose, all works and undertakings for the benefit of migrants arc subject to the authority and supervision of the local Ordinary, without prejudice to the right of religious superiors to oversee the life of their subjects as well as, cumulatively with the local Ordinary, the fulfillment of the tasks committed to them.79

§5. If, however, a task of pastoral care of migrants is committed to a particular male religious, he must always have the prior consent of his superior and written contracts must first be made on the same pattern, with appropriate modifications, as that set down in art. 36 for diocesan priests.

54 §1. Many kinds of beneficent work and very many charitable activities are often connected with the apostolate among migrants. Certainly deserving of commendation and high esteem in this area is the assistance rendered by religious institutes of women, especially by those which have this kind of ministry as their particular purpose. However, in order that a richer harvest of fruits may be reaped, neither spiritual care for such institutes — while fully preserving their rights and taking consideration of their nature — nor an adequate supply of material assistance should be lacking in any way.

§2. It is desirable that this special apostolate should be daily better taken cognizance of and promoted in religious institutes of women.

55. §1. In accord with the mind of the Second Vatican Council and with the encouragement of bishops and religious superiors, unfailing cooperation and fraternal harmony should be promoted and

'^*Decr. on Pat. Off. of Hishop,* n. 35; *motu proprio, Ecclesiae Sanctae,* I, nn. 30-31.

79A4o/m *proprio, Ecclesiae Sanctae,* I, η. 29, §2.

fostered between religious institutes of men and women, the clergy, and diocesan and interdiocesan pious associations of the laity.80

§2. In what pertains to exercising the apostolate among migrants and other members of the faithful, all religious must conform to the regulations of the local Ordinary.81

§3. If anything in this apostolate concerns, directly or indirectly, the houses or regulation of the religious community, negotiations should be entered into by the competent superiors between the religious and the local Ordinary and the other institutes in charge of work among migrants.

Chapter VII

LAY PARTICIPATION

The laity, however, must take on the renewal of the temporal order as their own special task and, led on by the light of the gospel and the mind of the Church, and motivated by Christian charity, they must act in it in a direct and definitive manner. As *citizens, they must cooperate with other citizens by using their specific competence and acting on their own responsibility.83*

Among the signs of our times, worthy of special note is that growing and inescapable sense of solidarity among all peoples which it is the job of the lay apostolate to promote zealously and to convert into a sincere and genuine sense of brotherhood. Moreover, the laity must be aware of the international field and the questions and solutions, both doctrinal and practical, which arise in it, especially with regard to peoples striving to advance.84

56. A great number of the questions which originate from a mobile populace, cannot be solved without the cooperation of the laity. The Church, therefore, while she studies how to meet the pastoral needs of migrants, earnestly exhorts the People of God, and especially those laity who are inclined to apostolic work, to labor indefatigably at fulfilling the share of responsibility they have as-

iol)ecr. on Past. Off. of Bishops, n. 35; *Deer, on the Laity,* n. 23; *niotu propno, Ecclesiae Sanctae,* I, η. 28.

8 Deer. *on Past Off. of Bishops,* nn. 33-35; *motu proprio. Ecclesiae Sanctae.* I, nn. 25-26.

S2Decr. *on Past. Off. of Bishops,* n. 35, 5>-6); *niotu proprio, Ecclesiae Sintae,* I, nn. 24, 30-36, 39.

6iDecr. on the Laity, n. 7.

t4lbid., n. 14.

sumed for the renewal of the world and at effecting what truth, justice and charity demand.85

57. Migrations, whether we consider the persons who leave their homeland or those who receive foreigners into their homeland, bring all of us to a new mode of living with citizens heretofore unknown. It is from this fact that the responsibility of the laity takes its rise: migrants should be welcomed as brothers and should be treated not as "mere tools of production,"86 but as beings endowed with human dignity and as builders of a fuller new human fellowship.

Furthermore, since there are other questions connected with migrants, namely, regarding living quarters, work, social security, and those arising from diversity of race, language, and culture, the laity should take care that they be solved in accord with the requirements of charity combined with justice and equity lest "the life individuals and their families become insecure and precarious"87 by reason of an economy which goes forward with a mobile people. It is the responsibility of the laity, moreover, to endeavor that these rights, particularly that which relates to the unity of the family,88 be preserved in good order in civil legislation and that every form of discrimination in this matter be sedulously avoided.89

58. No less necessary for fostering the evangelization of migrants is supporting activity by the laity: help to the chaplains or missionaries to make easier their dealings with migrants who are far distant or dispersed; active participation in the liturgy so that divine worship may attract souls; seizure of proffered occasions to communicate the word of God to various ethnic groups after the manner proper to lay persons. This activity is all the more urgent when the migrants lack all religious care because they live at a distance or in a dispersed area, or because of scarcity of clergy of their nationality or locality. In such a case, the laity should take pains to seek out the migrants sedulously, to receive them courteously, to give them comfort and to lead them to the local church.90

This apostolic responsibility belongs in a special way to those laity who, working for migrants in offices or other places, come into very' close contact with non-Catholics, non-Christians, or non-believers·,

85*Const, on Church Today,* n. 26.
86*Ibid.,* n. 66
^*Ibid,*
88Cf. *Deer, on the Laity,* n. 11.
89Cf. *Const, on Church Today,* n. 66.
9°Cf. *Dccr. on the Laity,* nn. 10, 17.

young persons who attend classes at universities, should show greater solicitude. They are offered better opportunities which often escape the chaplain or missionary to migrants; living a truly Catholic life and professing an apostolic spirit they can "as citizens cooperating with other citizens by using their specific competence and acting on their own responsibility,"[91] effectively supply what is lacking to their brethren in the priesthood.[92]

59. Lay persons who hold the higher public offices, should be conscious of the benefits which are brought by the different culture of the migrants' genius and should endeavor that commonwealths and their governments recognize and zealously promote everything which is required for mutual cooperation as well as a program of living between the ethnic groups.

Lay persons who have greater influence on community thinking and perception, should take care that men develop such a common sense of awareness as is demanded for the prosecution of this purpose.

60. Where migrants are found in greater numbers, they should be given special opportunity to participate in diocesan or parochial pastoral councils so that they may become really involved in the structure of the local church.

61. For the same reason, assuredly, and to an even greater degree than in the case of individual persons, Catholic associations should employ considerable care for migrants who arc in need of living quarters, work, training, and the necessities of life. Very special attention should be given to how much it means to migrants to be offered the chance to complete their training or to acquire a new skill, especially where there already exist cooperating institutes. Catholic associations should zealously help offices set up for migrants in the diocesan curia or in parishes.

All migrants should be invited to join some lay apostolic group or association, particularly those who were members of such an association in their homeland.

Although migrants may have their own associations, still the opportunity should be offered to some of their members to join associations (or labor unions) of that region. In this way a bridge, as it were, will be constructed between different ethnic groups and unite them. As was said, not only participation in local associations by

91 *Ibtd.*, n. 7
92Cf. *ibid*, n. 10.

individual migrants must be promoted but it seems opportune also to encourage cooperation of groups who carry on the lay apostolate in the regions of origin or of migration.

♦ ♦ ♦

Review of the discipline governing the emigration of priests to foreign regions across the sea93 and their incardination into dioceses of these regions,94 as well as of the responsibilities of marine chaplains and their superiors95 and of the status of the Pontifical College of Priests for Italian Emigrants96 is reserved for special instructions. In view of this exposition we are led on by the grand and firm hope that the spiritual assistance to migrants has been better arranged and adapted to the changes of time and, with the grace of God, will daily bring richer benefits to souls and happily promote everywhere a sense of union and brotherhood among men as the well-beloved sons of one Father.

Given at Rome, from the offices of the Sacred Congregation for Bishops, the 22nd day of August, 1969.

AAS 61-614; S. C. Episc., Instruction, 22 Aug., 1969.

Pontifical Commission Established for the Spiritual Care of Migrants and Travelers (Paul VI, 19 Mar., 1970) AAS 62-193.

Following is the *motu proprio, Apostolicae caritatis.*

Prompted by apostolic charity, Holy Mother Church has been accustomed to exercising care and solicitude that her children be supplied with assistance, especially spiritual, which the particular circumstances of persons, events and times seem to call for.

The field, however, in which her saving activity is displayed, has expanded almost without limit in this present age in which, due to the marvelous advance in technology, trips of every kind have been rendered very easy and the mutual needs of citizens and nations and the meetings of persons have multiplied very greatly. Therefore, pas-

93Cf. const. *Exsul Familia,* Tit. II, art. 3.
94 Ibid.
95Ibid., an. 5 and 8.
96lbid., chapter VI.

toral zeal must be directed not only to those who are encompassed within the established boundaries of parishes, associations and other like entities, but also to those who by choice or some kind of necessity move away from their fixed abodes. Furthermore, inquiry must be made by way of a deeper study, together with collated evidence, as to what are the causes of this phenomenon as well as its consequences, and examination must be made as to how travelers of this kind can be helped to making human and religious progress and from which dangers they must be safeguarded. Therefore, the Church must stimulate beneficial undertakings, support them and aptly coordinate them so that she may help them as much as possible. At the same time, however, she must declare her mind on the social, economic and other questions pertaining to culture and similar matters which often are wont to bring about these migrations.

As a matter of fact, the Roman Pontiffs, Our predecessors, considering this kind of need, have striven to meet these needs to the extent of their power with help given by episcopal conferences, some international institutes, individual Christians, and Christian organizations. It suffices to recall the work of Pius XII who, when migrations very greatly increased after the world war, wisely' issued in 1952 the apostolic constitution, *Exsul Familia,*1 which We have updated for the circumstances of our time.2 Moreover, he set up the "Higher Council for Emigrants"3 as part of the Sacred Consistorial Congregation, now called the S. C. for Bishops, and under the same Congregation established the ''General International Secretariat for the Direction of the Apostolate of the Sea"4 for the benefit of maritime personnel, i.c., those engaged in nautical businesses. Finally, attending to new needs, he committed to the Consistorial Congregation the task of ministering spiritual care to those having offices or rendering service in airports or to air passengers as well as to the airplane crews. To this institute was given the name "The Work of the Apostolate of the Heavens" or "of the Air."

Afterwards, the Second Vatican Council itself showed special concern for persons who travel, such as "the very many migrants, exiles and refugees, seamen and airplane personnel, nomads."5

'/MS 44 (1952),649 ff.; reported in *Canon Law Digest,* 3, pp. 84-98.

2*Molu proprio, Pastoralis migratorum cura,* AAS 61 (1969),601 ff.; reported above under this same canon.

3AAS 44 (1952),692 if.

4lbid., p. 695.

sDecr, on Past. Off of Haps., n. 18; cf. also n. 16.

Accommodating Ourselves to this recommendation which is in full harmony with Our own mind, in 1965 We established within the aforesaid Sacred Congregation the "International Secretariat for the Direction of the Work of the Apostolate for Nomads" whereby spiritual assistance was made available to peoples not having a fixed abode as well as to others of like condition such as those who travel about in circuses or on seasonal work.

Finally, the Sacred Congregation for the Clergy has been recently enlarged by an office to bring religious assistance to those traveling for vacation, health, devotion, culture, athletic events, pleasure and other similar reasons. This conglomerate which is commonly called "tourism," concerns a very great multitude of persons and produces in the social area a new and unique phenomenon.6

On the other hand, to provide better for the spiritual welfare of those who are living far away from their homes, it now seems advisable that these activities should be brought together into a fruitful and effective union and placed under one direction. As a result, We have decided to establish the Pontifical Commission for the Spiritual Care of Migrants and Travelers as a part of the Sacred Congregation for Bishops and it will embrace the above-mentioned Works: the care of migrants, the apostolate of the sea, the apostolate of the air, the apostolate of nomads, the care of travelers who arc commonly called "tourists" and whose pastoral care was assigned to the competence of the Congregation for the Clergy by the apostolic constitution, *Regimini Ecclesiae Universae*/

The organization of this Commission will be as follows.

1. The cardinal prefect of the Sacred Congregation for Bishops discharges the function of president. He has a propresident who possesses the episcopal rank and takes the place of the president. He also has a secretary as an assistant. Moreover, the following are members of the said commission·, the substitute of the Secretariat of State or Papal Secretariat, the secretary of the Council for the Public Affairs of the Church, the secretaries of the Sacred Congregation for Bishops, for the Clergy, for Religious and Secular Institutes, for the Evangelization of Nations or the Propagation of the Faith, for Catholic Education; also the secretaries of the Council for the Laity and the Pontifical Commission "Justice and Peace," as well as five dio-

A code of norms or General Directory" on the pastoral ministry for the benefit of the said travelers was issued in 1969, in *AAS* 61 (1969), 614 if.; reported above under this same canon.

69, 1°; AAS 59 (1967),910. reported in *Canon Law Digest,* 6, p. 341.

cesan bishops appointed by Us. The cardinal prefect of the Sacred Congregation for Bishops, the substitute of the Secretariat of State and the secretaries mentioned above as members hold position on this commission for the duration of their respective offices. The term of the others ceases at the end of five years but the Apostolic See retains its right to extend the terms of these persons after the completion of five years.

2. Although, as said above, the commission is dependent upon the Sacred Congregation for Bishops, still it possesses a certain autonomy in the conduct of its business which consists especially in treating of the pastoral care of persons engaged in travel as above indicated, with the national conferences of bishops who will strive to effectuate this care in accord with the needs and opportunities of the region.

3. Persons chosen from the ranks of the clergy and of the laity who are commended because of particular competence in travel matters will be included in the certain and determined number of consuitors for a five-year term.

4. Since in virtue of this letter the rights granted to the five aforementioned institutes cease, it will be Our right to give to this new commission those faculties which seem to be necessary and useful. On the other hand, the relations between the Sacred Congregaüon for Bishops and this commission thus constituted by Us should be more accurately set forth by a special "peremptory program" *(ordinem servandum).*

We cherish the hope, therefore, that from this commission many important pastoral benefits will derive since new and exceptional forms of the apostolate have been mandated to it and also that the maternal solicitude of the Church will be more brought into light through her perception of the signs and needs of the time and that it will provide such witness as to attract souls gently.

We wish this letter to go into force on the very date on which it is given.

We order that everything which We have decreed in this letter, issued on Our own initiative, be established and ratified, all things to the contrary notwithstanding.

Given at Rome, at St. Peter's, the 19th day of March, the feast of St. Joseph, Spouse of the B. V. Mary, in the year 1970, the seventh of Our pontificate.

AAS 62-193; Paul VI, *motu proprio,* 19 Mar., 1970.

Apostolatc of the Sea: Paul VI, allocution to those attending the 15th world congress at Rome to celebrate the 50th anniversary of its founding, 13 Sept., 1972 (AAS 64-599)—English version in *T.P.S.,* 17 (1972),275-279.

Emigrants: Paul VI, allocution to delegates of episcopal conferences at 4th international meeting for spiritual care of, 7 Nov., 1970 (AAS 62-771).

International Catholic Migration Commission: Paul VI, allocution (in English) on occasion of 20th anniversary of its foundation, 29 Sept., 1971 (AAS 63-768).

St. Raphacl-Vcrcin: Paul VI, allocution (in English) on occasion of its centennial anniversary of its foundation, 29 Sept., 1971 (AAS 63-768).

CANON 249

S. C. of the Sacraments: Competency in Marriage Matters (S. C. Sacr., 31 July, 1969) Private.

It is known that the Fathers of the Second Vatican Ecumenical Council, in order to foster the salvation of souls more earnestly, strongly desired that "the departments which have rendered outstanding assistance to the Roman Pontiff and to the pastors of the Church, should be subjected to a new ordering which would better adapt them to the needs of the times, the regions and the rites, especially as regard their number, name, competency, and particular method of procedure as well as regards the coordination of their labors."[1]2

This desire of the Fathers achieved its full effect in the apostolic constitution, *Regimini Ecclesiae universae,* of 15 August, 1967.

The work of the department was reduced to a simpler form and the competence which had previously been spread here and there through several departments for the same matter was *unified.*

And so, in the past, the task of supervising the tribunals handling marriage cases was committed to the Congregation for the Discipline of the Sacraments. At present, in virtue of the above-mentioned apostolic constitution, this task has been turned over to the Supreme Tribunal of the Apostolic Signatura.

In order to be able to make proper and better provision for the good of the faithful and the zeal of bishops in the administration and discipline of matrimonial matters, while safeguarding the right of this Congregation relative to matrimonial discipline which is men-

l *Const, on Past. Off. of Rishops,* n. 9.

2AAS 59 (1967). 885-928; reported in *Canon Law Digest,* 6, pp. 324-357.

tioncd in canon 249, §2 and in n. 55 of the apostolic constitution, *Regimini Ecclesiae universae,* it seems to this Congregation for the Discipline of the Sacraments and to the Supreme Tribunal of the Apostolic Signatura that it is timely and fitting to indicate, on one and the same day but by different letters, their respective assignments as listed below.

I.This Congregation will take care that the instruction, *Sacrosanctum Matrimonii,* of 29 June, 1941,3 on the norms to be observed by the pastor in conducting the canonical investigations before admitting the parties to the celebration of marriage, is accurately complied with.

Therefore, the annual "reports" on the observance of the above-mentioned instruction arc to be sent to this department so that occasion will be opened to it to suggest, if need be, appropriate remedies and counsels to the bishops in view of diversities of places and circumstances.

II. It will belong to this Congregation to examine and decide petitions and appeals sent to it regarding decrees of Ordinaries in cases of separation of spouses which are treated of in can. 1131, §1 and which are handled in an administrative manner.

I most courteously ask that you send notice of this letter to all the local Ordinaries of the country entrusted to your Legation.

(Private); S. C. Sacr., Letter, Prot. n. 56/59, 3 July, 1969; copy of original kindly sent us by the Canadian Canon Law Society.

Tribunal Competency: Extension. *See* c. 259-, S. C. Sacr., 7 May, 1968; Sig. Apost., 24 May, 1968.

CANON 250

S. C. for the Clergy: Tourism: role regarding. *See* c. 467; S. C. Cler., 27 May., 1969,30 April, 1969, part 11, 1.

CANON 252

Associate Members and Consultors (S. C. Gent. Evang., 26 Feb., 1968) Private.

In the apostolic constitution on the Roman Curia, *Regimini Ecclesiae Universae,'* the Supreme Pontiff, Paul VI, ordered that a special

3AAS 27 (1941), 297-318; reported in *Canon Law Digest,* 2, pp. 253-276.

Reported in *Canon Law Digest,* 6, pp. 324-357.

instruction should be issued by the Sacred Congregation for the Evangelization of Nations which would more fully reduce to practice the prescriptions of the Conciliar *Decree on the Church's Missionary Activity, Ad Gentes Divinitus,* and of the apostolic letter *Ecclesiae Sanctae,* and of *Pro comperto sane*^ as well as of the praiseworthy apostolic constitution itself. This Sacred Congregation for the Evangelization of Nations or for the Propagation of the Faith has decided that the following norms must be established.

1. *Associate Members*

1.In the moderation of the Sacred Congregation for the Evangelization of Nations or for the Propagation of the Faith, in addition to the cardinals whom the Supreme Pontiff has decided arc to be assigned to it, twenty-four representatives will have an active part, namely: twelve prelates from the missions, four from other regions·, four from the superiors of institutes·, four from the Pontifical Missionary Works.

2.The appointment of these members is reserved to the Supreme Pontiff; they are, however, proposed by the Cardinal Prefect of the Sacred Congregation after he has heard the episcopal conferences as well as the superiors of institutes and of the Pontifical Works.

3. *a)* Each of the national or regional episcopal conferences should send to the Sacred Congregation for the Evangelization of Nations a list of candidates who must be bishops, vicars or prefects apostolic, abbots *nullius,* or other prelates having their own territory.

The episcopal conferences may propose candidates both from the territory where the conferences have their seat and from another region.

The candidates who are proposed must be really expert in missionary matters and equipped to treat matters of greater importance and those matters having the nature of a general principle. As a result, indication must be made of the gifts and qualifications which especially recommend the candidates by also reporting the special studies they have completed, their published writings, the experience they have acquired in various forms of the apostolate, the functions they have in the episcopal conference or in national or international organizations, etc.

2 Reported in *Canon Law Digest,* 6, pp. 264-298
3 Reported in *Canon Law Digest, 6,* pp. 322-324

b) The number of candidates has not been fixed: if an episcopal conference knows the names of several candidates who are really qualified, they also may be proposed.

4. Out of the candidates proposed, the Supreme Pontiff will select twelve prelates having sees in the missions, four who reside outside the missions but with due consideration of the continents of the world so that in some fashion the Church Universal may be represented and with concern that none be omitted which set forth the needs of the churches which are called "junior" or "indigenous."

5. These prelates selected by the Supreme Pontiff are full-fledged members of the Sacred Congregation for the Evangelization of Nations and, as a result, take part in the plenary sessions in which matters of greater importance and having the nature of a general principle are treated; if they should happen to be present in Rome, they will also take part in the ordinary sessions.

6. The Roman Union of Superiors General should send to the Sacred Congregation for the Evangelization of Nations a list of candidates who must be priests, superiors general of some clerical institute which has part in the missionary activity of the Church, and endowed with knowledge, experience and prudence in missionary issues as set forth above under number 3, *a)*.

At least twelve candidates should be proposed in the manner indicated above under the same number.

7. Out of the candidates proposed, the Supreme Pontiff will select four representatives who attend as members the plenary sessions of the Sacred Congregation in which matters of greater importance and having the nature of a general principle are treated. In the deliberations of the said sessions these members have the same rights and responsibilities as the cardinals and bishops.

8. a) The General Councils for the Pontifical Works of the Propagation of the Faith and of St. Peter the Apostle for Indigenous Clergy send to the Sacred Congregation for the Evangelization of Nations a list of candidates who must be national directors, well disposed toward the said Pontifical Missionary Works, outstanding in knowledge, experience and prudence as set forth above under numbers 3, *a)* and 6 for other members of the Sacred Congregation.

At least four candidates must be proposed in the manner indicated under number 3, *a)*.

b) The General Superior Councils of both the Pontifical Missionary Union of the Clergy' and of the Pontifical Society of the Holy Childhood should do the same.

9. Out of the candidates proposed, the Supreme Pontiff will select four representatives who attend as members the plenary sessions of the Sacred Congregation in which matters of greater importance and having the nature of a general principle are treated. In the deliberations of the said sessions these members have the same rights and responsibilities as the cardinals and bishops.

10. In order that the Sacred Congregation may derive benefit from the new, vigorous members, their assignment will last for five years. However, about a fifth of these members is changed each year.

When the five years have been completed, they can be confirmed. However, all of them need confirmation of a newly-elected supreme pontiff three months after his election.

11. In order that the plenary sessions of the Sacred Congregation may be held with the greatest benefit, the Cardinal Prefect will ordinarily notify all those having a right to attend six months before a plenary session, of the date on which the session itself will begin, and of the topics to be treated, at least in a general way.

Four months before the session, the representatives will send to the Cardinal Prefect their wishes relative to the matter.

But two months before the session, the said Cardinal Prefect will communicate to all the members of the Sacred Congregation the definitive table of agenda.

II. *Consultors*

1. Consultors are chosen by the Supreme Pontiff and arc appointed for a five-year period; they can be confirmed for another five-year period.

2. Consultors can be residential or titular bishops, diocesan or religious clerics, and lay persons, men or women. However, it is always necessary that they be truly expert in missionary mattersand verified by prudence and experience.

3. The national or regional episcopal conferences, the general councils of the Pontifical Missionary Works, the Roman Union of Superiors General, the International Union of Superioresses General, the regional missionary works and the international associations of lay persons should send to the Sacred Congregation for the Evangelization of Nations a list of candidates for the corps of consultors of the Sacred Congregation itself.

4. They must not only propose names of candidates but must also indicate, as set forth above under n. 1, 3, (î), t|lc special qualifications which recommend the candidates.

5. Consultors who have been chosen by the Supreme Pontiff, can be asked by the Cardinal Prefect to send their opinions in writing to Rome. Some of them can also be invited by the said Cardinal Prefect to meet at Rome or elsewhere to discuss the local conditions of various regions and the manner of thinking of groups of persons, as well as to propose to the Sacred Congregation conclusions which have been scientifically established for missionary work and cooperation.

The vote of consultors in all these assemblies is consultive.

Finally, as the variety of business may require, some consultors can be called to a plenary session of the Sacred Congregation by the Cardinal Prefect as often as their counsel may be thought necessary or opportune.

When these norms were reported to His Holiness, Pope Paul VI, by the undersigned Cardinal Prefect of this Sacred Congregation for the Evangelization of Nations, the said Supreme Pontiff ratified and confirmed them.

Given at Rome, from the offices of the said Sacred Congregation, the 26th day of the month of February, A.D. 1968.

(Private); S. C. Gent. Evang., instruction, 26 Feb., 1968, Prot. N. 1477/68, reported by Ochoa in *Leges Ecclesiae,* vol. 3, n. 3633.

New Provisions for Papal Legations to the Carribean Islands (S. C. Publ. Eccl. Neg., 29 July, 1968) AAS 60-578.

With great solicitude the Apostolic See always looked after the spiritual welfare and religious progress of the islands and regions adjacent to the Carribcan Sea. In the last fifty years it has frequently seen to it that the said territories were entrusted to the attentive and earnest care of its Legates as circumstances of time and place permitted provision.

Indeed, the above-mentioned regions have so enriched the Church with such a fulness of comfort by their happy advances that during the previous year it was necessary to set up new ecclesiastical boundaries: we refer to the archdioceses of Kingston-in-Jamaica as well as of Fort-de-France-St. Pierre which, together with rhe previously erected archdiocese of Port of Spain and the suffragan sees proper to each of them, constitute the Episcopal Conference of Antilles.

However, in order that the pastoral unity of this episcopal conference may be promoted and stabilized in accord with the prescrip-

lions of the Second Vatican Ecumenical Council and in order that the mutual needs of the sacred pastors both among themselves and with papal legates, may be more efficaciously helped and fostered, it seems that the decree beginning with the words, *Maris Caribid,* which was issued on 14 January, 1954, must be accommodated to new circumstances.

Wherefore, after weighing all factors with due study, His Holiness has decreed and established the following.

1) To the apostolic nunciature in the Republic of Haiti is committed the care of the territories which make up the ecclesiastical province of Port of Spain, Kingston-in-Jamaica, and Fort-de-France-St. Pierre and each one's suffragan dioceses.

Therefore, the apostolic nuncio, with residence in Port-au-Prince, will discharge the functions of the apostolic delegate for the said territories.

2) The territories which together with its suffragan dioceses, constitute the ecclesiastical province of San Juan de Puerto Rico will continue to be subject to the apostolic nunciature in the Dominican Republic.

3)The islands which are included in the prelature of the Virgin Islands become a suffragan of the Archdiocese of Washington D.C., and, as a result, are assigned to the jurisdiction of the Apostolic delegation in the United States of America.

Anything to the contrary notwithstanding.

Given at Rome, at St. Peter's, the 29th day of July in the year 1968.

AAS 60-578; S. C. Pub. Eccl. Neg., Decree, 29 July, 1968.

S. C. for the Evangelization of Nations: Directives (S. C. Gent. Evang., 24 April, 1971) Private.

Following are the "directives approved by the plenary assembly of the S. C. for the Evangelization of Nations or the Propagation of the Faith (30 March-2 April, 1971)."

Introduction: General Principles

A) *Scope of missionary activity.*

"The specific purpose of missionary activity is evangelization and

(he founding of the Church among those peoples and groups in which it does not yet exist."[1]

B) *Tbe Universal Church and the Particular Church.*

It happens, therefore, that in the entire world there are born and grow particular churches since it is in them and through them that the Church can gather into catholic fullness the persons, the groups of mankind, and the peoples with their cultures, their languages, and their customs.

On the other hand, these particular churches are truly the Church only in the degree in which they take up, in their particularity, the vocation of announcing to all the faith of the Church Universal.

This responsibility is shared by the ensemble of the Church under the authority of the successor of Peter who presides over the assembly of charity. Each particular church, conscious of this "coresponsibility," must bear the solicitude of all the other churches in the degree in which a communion and an effective cooperation are lived among them all.

C) *Tbe S. C. for Evangelization or for tbe Propagation of the Faith.*

Since the S. C. for the Evangelization of Nations or for the Propagation of the Faith has been entrusted by' the Holy Father, according to the said terminology' of the Vatican 11, "to regulate and to coordinate, throughout the world, both the missionary work in itself and the missionary cooperation,"[2] it belongs to it to issue "directive norms and principles adapted to evangelization."[3]

Consequently, this S. C. for the Evangelization of Nations judges it opportune to issue the following directives.

1° Relations between the Church Universal and the Particular Churches from the missionary point of view.

A) *Need to revive an authentic missionary spirit.*

1) Our Lord Jesus Christ has prescribed for 1lis Church the evangelizing and the baptizing of all nations and promised her His assistance down to the end of the world.

[1] *Deer, on Mission. Act.t* n. 6.
[2] *Doc. cit.t* n. 29.
[3] *Ibtd.*

Since Pentecost, the Holy Spirit stirs up in the heart of all the same missionary spirit which animated the Lord, and the Church "never ceases to pray, to hope, and to work, and exhorts her children to purify and renew themselves so that the image of Christ may shine more clearly on the face of the Church."[4]

2) Consequently, *there is need to have the primordial care of incessantly reviving the authentic missionary spirit in every particular church,* diocesan or parochial,[5] and in the heart of all Christians: bishops,[6] religious,[8] and laity.[9]

3) For this goal, the plenary assembly *recommends the creation of centers and the formation of programs (spiritual exercises, sessions, etc.) for an. apostolic and missionary renewal together with the spiritual animation of all categories of Christians, above all, of young people.*

B) *Theological Deepening.*

Theological reflection ought to help this renewal of the missionary spirit.

1) The plenary assembly *recommends to theologians that they set in perspective,* first of all, the authentic notion of mission such as has been *presented in tbe Decree on Missionary Activity* (nn. 2 to 7 inclusive) and in the *Dogmatic Constitution on the Church* (nn. 13 and 17), taking care to render it intelligible to today's mentality. This will require group work of an interdisciplinary character.

2) *In a context of secularization, one will avoid confusing missionary activity with progress or, above all, reducing it to that,* at the risk of forgetting the specific objective of the mission of the Church which is the proclamation of the gospel in the expectation of the heavenly Jerusalem, and of weakening, by that fact, the missionary spirit, causing it to lose its effectiveness.

Neither must solicitude for respect for religious liberty, a healthy ecumenism and a genuine dialogue with non-Cbristians and non-believers weaken or overshadow the zeal for tbe propagation of the true faith and cause loss of the aspect of urgency, always real, of the missionary duty.

Dog. Const, on tbe Church, n. 15; see also *Deer. On Mission. Act.,* n. 36.
5Deer, on Mission. Act., n. 37.
6Doc. cit., n. 6.
7Doc. cit., n. 39, and *Deer, on Apost. of Laity,* n. 6.
8Deer, on Mission. Act., n. 40.
9Doc. cit., n. 21, and *Deer, on Apost. of Laity,* n. 6.

3) *With regard to missionary activity, it will also be useful to give precision to a number of notions such as "Church Universal," "Particular Church," "communion," "cooperation with corresponding reciprocity," "co-responsibility," and "subsidiarity."*

C) *Diversity in Unity.*

1) The plenary assembly asks *that an effort be made on the part of all, in the sense indicated in the Decree on Missionary Activity, n. 22, so that the Christian life may be adapted to the genius and to the character of each culture and so that the particular traditions of each country may be incorporated into Catholic unity.*

2) In this effort, *the first concern will have to be the transmission of the faith in all its richness: that is an affirmation of the Christian mystery which is the prelude to every attempt to effect its assimilation in a specific society.* In our day, "while silence little by little obscures certain basic mysteries of Christianity, we see delineated a tendency, taking off from psychological and sociological data, to reconstruct a Christianity torn away from the unbroken tradition which links it with the faith of the apostles, and to exalt a Christian life deprived of religious elements. . . . *If the sociological investigations are useful for a better knowledge of the mentality of society, ... the preoccupations and the need of those to whom we proclaim the word of God, as also the opposition which human reason sets against them, . . . the conclusions of such investigations could not of themselves constitute a definite criterion of truth.* [0]

3) *Attention will be given so that the priests,*[11] *missionaries,*[12] *and members of religious and of secular institutes, both of men and of women, and lay persons receive — on the spot, if possible — a formation which takes account of the cultural values of the societies for evangelization: in particular, a good knowledge of the languages of the countries for which they are destined* will allow them to have more ready acceptance in the heart of the persons, to dedicate themselves more fully to their mission, ami thus to reap more abundant fruit.

The lay persons, above all those who are educated, must bind themselves to know the culture of their homeland "to raise it up.

[10]Apost. exhort., 8 December, 1970. [Sce *Quinque iam anni,* c. 222, ref., in this volume.]

[11] *Deer. on Mission. Act.,* nn. 16 and 26.

[12]*Doc. cit.,* n. 26.

pursue it, develop it in harmony with the new conditions, and finally, to perfect it in Christ. 3

4) *Favor will be given to the creativity and the spirit of initiative of the particular churches in their search for new techniques of apostolate which are well adapted to the local situations.* Thus there will have to be a tendency towards a presentation of the faith which better corresponds to the socio-cultural exigencies of each society.

Finally, when the circumstances do not allow the full development of all apostolic activities, an apostolate can always be exercised through contemplative prayer and a witness of a life of labor in a spirit of disinterested charity, keeping in view that the disciples of Christ did not seek to affect only the material progress and prosperity of men but, above all, to make resplendent the mystery of Christ.

2° Relations of the S. C. for the Evangelization of Nations or for the Propagation of the Faith with the episcopal conferences.

A) *Basic relations with the episcopal conferences.*

1) The plenary' assembly holds that *a primary task of the Congregation is to stimulate, support and encourage the life and function of the episcopal conferences which group together the Ordinaries of missionary circuits.*

2) it also deems it *necessary to institutionalize the relations of the Congregation with all the episcopal commissions of the missions™ by establishing within the Dicastery an office for such regard.*

B) *Relations with the other dicasteries.*

The plenary assembly requests that the Congregation, for the matters which belong to its competency, is broaden its relations with the other dicasteries (Congregations, Secretariats, Council for the Laity, etc.), above all with a view to harmonizing the regulations and the methods16 and to coordinating the calendar of activities.

13 *Doc. cit.,* n. 21.

I4Afotu *proprio. Ecclesiae Sanctae,* Ill, η. 19; *Canon Law Digest,* 6, p. 297.

15See *Deer, on Mission. Act.,* n. 29, and the ap. const., *Regimini Ecclesiae Universae,* nn. 81 to 91-reported in *Canon Law Digest,* 6, pp. 345-348.

16 *Motu proprio. Ecclesiae Sanctae,* 111, η. 13, §1; *Canon Law Digest,* 6, p. 295.

C) *Collaboration with the episcopal conferences in the field of pastoral missionary activity.*

1) The plenary assembly *recommends to the commission of experts on pastoral missionary activity, already established within the Congregation,17 the intensification of its attention to the local situations of the different religions, to the mentality of the various groups of persons, and to the methods of evangelization.*

2) The said assembly requests, moreover, that the said commission develop *an information service to be at the disposal of the episcopal conferences of the various socio-cultural areas.*18

3) *It recommends the enrolment of new members as correspondents to the said commission after having consulted the episcopal conferences.*

D) *Scientific missionary institutes.*

The plenary assembly *requests that the Congregation continue to encourage the missiological studies and the other disciplines or arts which are useful to the missions, such as ethnology and linguistics, history and the science of religions, sociology, pastoral skills, and other like matters,*19 *by helping the episcopal conferences towards "eventually common"20 concrete realizations, such as a faculty of scientific institutes of missiology, major seminaries, study or research centers on local cultures,* 1 and, if possible, chairs of religion and of Christian civilization in non-Catholic institutions.

E) *Replacement of missionary personnel.*

The plenary assembly judges that *it is advisable that the Congregation restore periodic meetings with the superiors general of missionary institutes, both of men and of women, to examine and to resolve, at the request of the episcopal conferences, the problem of assignment of personnel in the critical zones,* that is to say, in the missionary territories, entire regions or dioceses, which cannot be provided with the ordinary quota of personnel necessary for evangelization work.

^*Decr. on Mission. Act.,* n. 29.

'*Decr. *on Mission. Act.,* n. 6; *motu proprio, Ecclesiae Sanctae,* III, η. 18-Cenoij *Law Digest,* 6, pp. 296-297.

19Decr. *on Mission. Act.,* n. 34.

Wlbid.

2lAlotu proprio, Ecclesiae Sanctae, η. 18—*Canon Law Digest,* 6, pp. 296-297.

F) *Missionary institutes and episcopal conferences.*

Research for more suitable means for establishing a closer link between the missionary and his original diocese22 *will be entrusted to the office created for providing for the betterment of relations of the Congregation with the episcopal conferences* apropos of missionary activity.

(Private); S. C. Gent. Evang., directives, 24 April, 1971, Prot. N. 1955/71; reported in *Bibliographia Missionaria,* 35 (1971), 192-197; *Com. pro Rel.,* 53 (1972),269-274.

Admission of Students into the Pontifical Urban College (S. C. Gent. Evang., 23 Dec., 1971) Private.

The following instruction, *Consuevit haec,* was issued "on the admission of students into the Pontifical Urban College."

This Sacred Congregation for the Propagation of the Faith has been accustomed to assign vacancies at the Pontifical Urban College about April of each year to new students after having considered the applications presented to it by those in charge of the missions.

Since, however, in this regard, especially in recent years, frequent errors have occurred which unexpectedly caused some of the Most Reverend Ordinaries to be misled and also caused not slight disadvantage to the Sacred Congregation itself, it seems opportune and very useful to communicate clear and specific norms to the Most Reverend Ordinaries whereby the admission of students into the Pontifical Urban College will be governed in the future. Therefore:

1) Applications for the admission of students will have to be sent each year at such time that they may arrive at this S. Congregation before the end of February. No consideration will be had of those which arrive at a later date.

2) The Most Reverend Ordinaries must select young men who, in addition to other qualifications, arc of good character and arc well known to the Ordinaries themselves, and who present signs of a divine vocation to such an extent that the Ordinaries can be completely confident that they will become missionaries burning with zeal for souls.

22Decr. *on Mission, Act.,* n. 38.

3) Students should be carefully selected, namely, really capable of pursuing a university course and gifted with mature judgment. They should possess good health and not labor from any disease, and not be too young.

4) Together with the application for admission, the Ordinary must accurately and faithfully respond to each and every question contained in the questionnaire appended to this instruction.

5) After this Sacred Congregation shall have examined the applications and all the documents and distributed the places of the College, it will write to the Ordinaries which men have been admitted by name.

6) Since classes begin on the 15th of October, the Most Reverend Ordinaries should take care that the students be at Rome before the 10th of September.

7) Students who nevertheless come to Rome without the approved designation will not be admitted to the Pontifical Urban College.

8) Applications which shall not have been accepted, have no force or effect for the subsequent year, even if this point may perchance have been added in the application. For the following academic year, a new application will have to be made at the stipulated time.

Given at Rome, from the offices of the S. C. for the Evangelization of Nations or the Propagation of the Faith, on the 23rd day of December, 1971.

(Private); S. C. Gent. Evang., instruction, 23 Dec., 1971, Prot. N. 6704/71. reported in *Bibliog. Miss.,* 35 (1971),19O-191 ; *Cotti, pro Rel.,* 53 (1972).268-269.

Missions: Catechist: report (in English) made at S. C. Gent. Evang, in its 14-16 April, 1970 meeting on the vocation and role of. the formation and the financing of; reported in *Bibliog. Miss., 34* (1970),21 3-216.

Laity: document (in French) on the missionary role of, prepared at the 22-25 April, 1969 plenary assembly of the S. C. Gent. Evang, and approved by it at the 14-16 April, 1970 meeting and published on 17 May (Pentecost), 1970. reported in *litbliog. Miss.,* 34 (1970), 197-212.

Missionaries: vocation and training of, a document addressed to local Ordinaries in mission territories and to superiors and superioresses of missionary institutes by the S. C. Gent. Evang., 17 May (Pentecost), 1970: reported (in Italian) in *Bibliog. Miss.,* 34 (1970),190-196 and (in Spanish) in *Vida Rel.* 30 (1971),69-74.

Priests: circular letter (in French) on formation of, addressed to the episcopal conferences on the missionary dimension of; issued 17 May (Pentecost), 1970 by S. C. Gent. Evang., reported in *Bibliog. Miss.,* 34 (1970),217-219.

Secretariat: For Christian Unity: Paul VI, allocution to all members and consuitors, 13 Nov., 1968 (AAS 60-794).

For Non-Believers: Paul VI, allocution (in English) on "The Culture of Unbelief" to participants in symposium sponsored at Rome by this scaetariat, 27 March, 1969 (AAS 61-256). Paul VI, allocution to membersand consultors on the phenomenon of secularization in its relations with atheism, 18 March, 1971 (AAS 63-282).

For Non-Christians: Paul VI, allocution to all members and consultors, 25 Sept., 1968 (AAS 60-568).

Society for the Propagation of the Faith: Paul VI, written message (in English) to the president of N.C.C.B. on the occasion of the celebration of the 150th anniversary of the establishment of, in the United States, 22 Feb., 1972 (AAS 64-310).

Paul VI, written message to the International Missionary Conference al Lyons, France, on the occasion of the 150th anniversary of establishment of S. P. F., 22 Oct., 1972 (AAS 64-725)-English version in *T.P.S.,* 17 (1972),358-367.

CANON 253

Sacred Congregation of Rites Divided into Two Congregations (Paul VI, 8 May, 1969) AAS 61-297.

Following is the apostolic constitution. *Sacra Rituum.*

The Sacred Congregation of Rites which was established in the year 1588 by Our predecessor of happy memory, Xystus V,1 has had from its outset a double function, namely, first to have charge of and to regulate the sacred rites of the Latin Church; secondly, to carry out throughout the whole Church everything which in any way pertained to the canonization of saints. This second function was entrusted to the Sacred Congregation of Rites for the reason that causes of canonization always envisaged the fact that Servants of God enrolled in the calendar of saints would be honored with public veneration throughout the universal Church.

The Sacred Congregation of Rites through almost four centuries has discharged this double function with such prudence that for that reason it has won oustanding acclaim. With regard to the sacred liturgy, let it suffice to note that, after St. Pius had published the carefully revised Roman Breviary and Missal,2 the Sacred Congregation of Rites, following the prescriptions of the sacred council

Cf. const, ap. *Immensa aeterni Dei,* in *liullanum Romanum* (cd Taurin, 1863), Vlll, p. 989.

2Cf. const, ap. *Quo primum,* 13 July, 1570.

of Trent,[3] revised and published the other liturgical books, restored to their original purity and condensed form the liturgical formulae and rites of the Latin Church which had been elaborated and deformed during the so-called Middle Ages, removed their excessive variety, and reduced them to a liturgical unity which was thereafter firmly maintained.[4]

In our own day, this said Sacred Congregation, carrying out the orders of Our predecessor, St. Pius X, opened up the path to a general revision of the liturgy by a revision of the breviary[5] which took its name from the said holy pontiff. Later, as a follow-up to that start, on orders from Our predecessor of venerable memory, Pius XII, it restored the paschal vigil in 1951[6] and in 1955 issued the new order for Holy Week.[7]

From these as well as many other inceptions the constitution which was approved by the Second Vatican Ecumenical Council[8] was, in a sense, derived.

Of no less value is the work of the said Congregation relative to the preparation and review of the causes of saints. Clear witness to this work is the list of saints who have been inscribed in the calendar of Saints from 1588 to the present day after the heroicity of their virtues or of their martyrdom was carefully examined.

At the present time, however, the general renewal of the liturgy which was decreed by Vatican Council II as well as the revision of the laws pertinent to causes of saints in accord with our times seem to suggest and demand new studies and new attention and care in the examination and handling of such matters.

Morcoevcr, if the business is considered in depth, it is perfectly clear that liturgical matters are one thing and causes of saints quite another. As a result, the kind of study, talent and plan of procedure demanded by the one is different from that of the other.

For this reason, We Ourselves in that part of the apostolic constitution, *Regimini ecclesiae,*[9] which treats of the Sacred Congregation of

3Cf. *Canones ct Decreta Concilii Tridentini,* Sess. .XXII. XXIV, XXV.

4Thc five volumes of *Decreta Authentica* published by the Congregation suffice to show how well it earned credit in liturgical matters.

5Cf. const, ap. *Divino afflatu,* 1 Nov., 1911 — AAS 3 (1911),633-638.

6Cf. S. Congr. Rit., decree *Dominicae Ressurectionis,* A/1S 43 (1951), 128 if.; reported in *Canon Law Digest,* 2, pp. 34-35.

7Cf. S. Congr. Rit., decree *Maxima Redemptionis nostrae mysteria* A/1S 47 (1955), 838 ff.; reported in *Canon Law Digest,* 4, pp. 49-61.

8Cf. const. *Sacrosanctum Concilium* *AAS* 56 (1964). 97-1 38; reported in *Canon Law Digest,* 6 pp. 32-67.

9Cf. nn. 58-64 – *AAS* 59 (1967), 904-908; reported in *Canon Law Digest.* 6. pp. 336-339.

Rites ordered that it be divided into two parts or sections, one of which dealt with divine worship, the other with causes of saints.

Now, however, after having weighed the matter more carefully and after having sought the opinions of experts, We have come to the decision that the two sections should be so separated from one another that each one is rendered completely independent.

Wherefore, by this Our apostolic constitution, in place of the Sacred Congregation of Rites as it has existed up to the present, We substitute two new Congregations, the first of which will be called the Sacred Congregation for Divine Worship, and the other the Sacred Congregation for Causes of Saints.

In addition to its own rights which will be defined shortly, the Congregation for Divine Worship will also take on the duties of the Commission for the Implementation of the Constitution on the Sacred Liturgy which, consequently, We wish to terminate as an independent body and to set up as a special commission within the said Congregation. The Commission will continue in existence until it has completed the liturgical books already initiated.

Wherefore, We abrogate the provisions found in the apostolic constitution, *Regimini Ecclesiae,*[10] and decree observance of the following:

SACRED CONGREGATION FOR DIVINE WORSHIP

1. This Sacred Congregation, which is presided over by a cardinal prefect with the assistance of a secretary and undersecretary, has competence over everything which directly and proximately pertains to divine worship in the Roman and other Latin rites, without prejudice to the competence of other departments in those things which pertain to the doctrine of the faith or to ecclesiastical discipline or which require judicial proceedings.

2. This Sacred Congregation is divided into three offices.

§1. The *First Office* occupies itself with the liturgical worship of God both from a ritual and a pastoral viewpoint, the revision and drawing up of liturgical texts, the approval of particular calendars and the propers of Masses and Offices of dioceses and of religious orders, the granting of appropriate dispensations from the aforesaid matters, the true and lawful interpretation of both the norms and

10Cf. note 9.

the rubrics found in liturgical books, the veneration of sacred relics, the confirmation of heavenly patrons, and the conferral of the title of minor basilica.

§2. The *second office* maintains relations with episcopal conferences whose liturgical acts, in accord with art.36, §3 of the *Constitution on the Sacred Liturgy,*11 it examines and approves or confirms. It carefully considers adaptations which have been proposed by episcopal conferences as provided for in art. 40 of the said Constitution,12 but only after having reviewed both general liturgical law and the needs, traditions and genius of individual peoples. Finally, it deals with cxtraliturgical worship, i.e., with pious exercises of the Christian people, without prejudice to the competence of the Sacred Congregation for the Doctrine of the Faith.

§3. The *third office* maintains relations with the so-called liturgical commissions, the mixed international commissions, and with so-called institutes which promote the liturgical apostolate or music or chant or sacred art. It not only searches out news about liturgical life in the Church but also collects writings under the same heading from which it draws up statistics. It studies how the said communication media may contribute to the promotion of divine worship. Finally, it fosters pastoral undertakings, international associations, and liturgical apostolate congresses.

3. This Sacred Congregation is assisted both by its own board of consultors composed of men who arc expert in matters liturgical and who arc chosen by the Supreme Pontiff from all over the world, as well as by commissions set up for the investigation of the more difficult questions.13

4. In order to complete liturgical renewal this Sacred Congregation can, for the present, make use of the members and experts who belong to the Commission for the Implementation of the Constitution on the Sacred Liturgy in the manner herein defined:

§1. Cardinals who are members of the Commission, arc by that fact members of the Congregation for Divine Worship. If it seems advisable, others can be added.

§2. Diocesan bishops who are to be assigned to this Congregation as members in virtue of the apostolic letter, *Pro comperto sane,14*

l*MS 56 (1964), 109; *Canon Law Digest,* 6, p. 44.

l'MS 56 (1964), 111 ; *Canon Law Digest,* 6, p. 45.

13Ci. const, ap. *Regimini Ecclesiae,* η. 61, §3 – 4/1S 59 (1967), 905; reported in *Canon Law Digest, 6,* p. 337.

4Cf. A4S 59 (1967), 881-884; reported in *Canon Law Digest, 6,* pp. 322-324.

shall, for this one time, be elected by those who are already members of the aforesaid Commission and from their own number.

§3. Meetings in which final decisions regarding the publication of liturgical books are to be approved, will be attended both by the members of the special commission which replaces the other defunct commission and by the members of the Sacred Congregation.

SACRED CONGREGATION FOR CAUSES OF SAINTS

5. The Sacred Congregation for Causes of Saints is presided over by a cardinal prefect with the assistance of a secretary and an undersecretary. Its function is to handle everything which in any way pertains to the beatification of Servants of God, to the canonization of Blessed, or to the conservation of relics.' 5

6. The Sacred Congregation in its cognizance of causes proceeds in a judicial manner and is composed of three offices as follows: the first office is judicial and is immediately directed by a secretary and a suitable number of officials; the second office is headed by a promoter general of the faith who is assisted by a subpromoter of the faith and an appropriate number of officials; the third office is historico-hagiographical and is directed by a reporter general.

7. Functions of the *first office:*

§1. it examines petitions referred to it with a view to introducing causes or to drawing up investigations into alleged miracles; reviews the writings which form the basis of the petition; decides whether a cause can be introduced or whether the process regarding a given miracle can be drawn up. Moreover, it sets norms for rhe drawing up of processes; judges whether those processes are valid. Either through its own office or through the local bishop, it completes or supplies, if need be, the acts necessary for the investigation. It also rules on objections.l 6

In the performance of these activities, it proceeds as follows:

l If a doubt exists whether an obstacle is had to the introduction of a cause, it is proposed at a special meeting. At this meeting, after

15Cf. can. 253, §3, const, ap. Regimini *Ecclesiae,* η. 59 – *AAS* 59 (1967). 904; *Canon Law Digest,* 6, p. 336.

16Cf. const, ap. *Regimini Ecclesiae,* n. 62, §2, 1° *Canon Law Digest,* 6, p. 337 lut. ap. *Sanctitas clarior, motu proprio,* 19 Mar., 1969, η. 7 – AAS, 61 (1969), 906, reported below in this volume of *Canon Law Digest* under can. 1999.

having received reports made up of documents sent by the bishop, the opinions of three consultors and the opinion of the promoter general of the faith, the truth of the matter is voted on by the secretary, the undersecretary, the promoter general of the faith, the reporter general, the subpromoter general of the faith, and three consultors different from those who gave their written opinion on the said matter. Afterwards, a final report of this examination is drawn up and signed by all 17

2° Sentence must be passed by a special commission made up of the cardinal prefect, the cardinal reporter *(ponens),* and at least three other cardinals, to whom, in addition to the reports mentioned above, must be submitted also the votes cast in the special meeting and the final report. The secretary attends this special commission.187

3 After having obtained the opinion of the promoter general, judgment on the authority of the processes is pronounced at the ordinary meeting of the Congregation.

4°It belongs to the said ordinary meeting to rule on objections.19

§2. In the manner which follows, it looks into the writing of Servants of God, their martyrdom, the heroicity of their virtue, the confirmation of the historical duration of their cult, and the conferral of the title "doctor" on saints.

1 The examination of their writings is made at an ordinary meeting after the opinions of two theologian censors have been given. If special difficulties then turn up, the question is referred to a plenary session.

2° Discussion on the martyrdom or the heroicity of virtue takes place at a special meeting after a position report has been prepared composed of a summary, information supplied by the advocate, the opinions of three consultors, the observations of the promoter general of the faith, and the reply of the advocate. At this meeting the same persons indicated above in n. 7, §1, 1° function as judges20* and cast their votes on the truth of the matter. A final report on this discussion is drawn up and signed by all the voters.21

3 Sentence is pronounced at a plenary session of the Fathers Cardinal to whom, together with the position report, must be sub-

17Cf. const, ap. *Regimini Ecclesiae, loc. cit.*
18Cf. *ibid.*
19Cf. *ibid.*
20C(. ibid,, n.62, §2, 2°.
2,Cf.»W

mined the votes cast at the special meeting as well as the final report. The secretary attends the session.22

4° In order to settle the question whether to confirm the historical duration of cult or to confer the title of "Doctor of the Church" on saints, a position report is to be prepared composed of a summary, information supplied by the advocate, the opinions of three consultors, the exposition or declaration of the promoter general of the faith. The discussion, however, is to take place first at a special meeting and then at a plenary session of the Fathers Cardinal as already indicated in this very section under numbers 2° and 3°.

§3. It takes cognizance of the alleged miracles attributed to the intercession of the Senant of God23*in the following manner:

1 The alleged miracles on which two experts have manifested their medico-legal judgment are examined at a meeting of medical men whose conclusions are set forth in an accurate report.

2° Then there is prepared a position report composed of a summary, the medico-legal judgments of the experts, the report of the meeting of the medical men, information supplied by the advocate, the opinions of three consultors, the observations of the promoter general of the faith, and the reply of the advocate. Discussion of these reports is first had at a special meeting and, later, at a plenary session of the Fathers Cardinal as indicated above in n. 7, §2, 2 and 1° 24

8. §1. The sentences of the Fathers Cardinal mentioned in n. 7, §1, 2°; §2, 3° and 4°; §3, 2°, are reported to the Supreme Pontiff in accord with the prescriptions of canons 2083, § § 1 and 2; 2107; 2111-.2133.25

§2. If the Supreme Pontiff decides that the case should proceed further, it continues on its course.

§3. If, on the other hand, the Supreme Pontiff decides that the question should be submitted to a new group of Fathers Cardinal, a position report is to be prepared in which are set forth the unresolved difficulties, the reply of the advocate, and, if had, new documents.

§4. Finally, if the Supreme Pontiff orders the cause to be set aside, it may not be again acted upon unless authorization has been granted by the Supreme Pontiff himself because of interposition of new and probable documentation.

22Cf. *ibid.*
23Cf. *ibid.,* n. 62, §2, 3°
2*Cf. *ibid.*
*5Cf. *ibtd.,* n. 62, § 3.

9. The *second office* belongs to the *promoter general of the faith* whose function it is to uphold the law and to issue observations or expositions or cast votes as stipulated above for the individual cases.[26]

10. The *historico-bagiographical office* which handles the drawing up of historical or long-duration causes, is governed by the special law set down by Our predecessor of happy memory, Pius XI, in his apostolic letter, *Gia da qualche tempo,* issued *motu proprio* on 6 February, 1930.[27]

11. This Sacred Congregation has its own so-called chancellery which is administered by its own statutes.[28]

12. Moreover, the Congregation has at hand both a list of advocates and procurators who must possess those qualities and degrees required by law,[29] and a body of medical experts chosen for this body on the basis of their knowledge and integrity.[30]

13. Relative to the beatification of Servants of God and the canonization of Blessed after this has been decreed in consistory, the rites and solemnities customary' in the Roman Curia are to be observed.[31]

14. What We have prescribed in this constitution of Ours goes into effect on this very day.

Furthermore, these statutes and prescriptions of Ours We wish to be and to remain for the future firm and effective, notwithstanding, in as far as necessary, apostolic constitutions and ordinances issued by Our predecessors as well as other prescriptions, even though they be worthy of special mention and derogation.

Given at Rome, at St. Peter's, on the 8th day of May in the year 1969, the sixth of Our pontificate.

AAS 61-297; Paul VI. Const. Ap., 8 May, 1969.

Note: The membership composition of the new Sacred Congregation was made on the same date as the apostolic constitution and is given in *Notitiae* 5 (1969). 133.

26Cf. canons 2079; 2080; 2106, 3° and 4°; 2109, 1° and 2°; 2010, §1; const, ap. *Regimini Ecclesiae,* η. 62, §5.

27Cf. AAS 22 (1930), 87-88 reported in *Canon Law Digest.* 1, pp. 166-167; const, ap. *Regimini Ecclesiae,* η. 63.

28Cf.ittJ,, η. 62. §6.

29Cf. canon 2018.

30Cf. const, ap. *Regimini Ecclesiae,* η. 62, §7.

31Cf. canon 2111 ; const, ap. *Regimini Ecclesiae,* η. 62, §4.

CANON 259

Apostolic Signatura: Special Norms of Government (Sig. Apost., 25 Mar., 1968) Private.

Herewith are the "Special norms to be observed, on an experimental basis, in the Supreme Tribunal of the Apostolic Signatura after Pope Paul Vi's apostolic constitution, *Regimini Ecclesiae universae."*[1]

I

CONSTITUTION AND FUNCTIONS OF THE SUPREME TRIBUNAL

Title I

Constitution of the Supreme Tribunal

Art. 1. §1. The Supreme Tribunal of the Apostolic Signatura is composed of twelve cardinals named by the Supreme Pontiff, one of whom is selected by him to discharge the office of prefect with the assistance of a secretary, promoter of justice, defender of the bond, and undersecretary.

§2. The Apostolic Signatura is composed of two sections.

§3. The judges-cardinal take cognizance of cases by a bench of five members, unless the prefect decides that some question must be brought before the full Signatura of all the cardinals who are members of the Apostolic Signatura.

§4. Judges functioning as secretary, promoter of justice, defender of the bond, or undersecretary, must abstain from handling a cause in the cases mentioned in canon 1613, §1.

Art. 2. In addition to a secretary, there are in the Apostolic Signatura a promoter of justice, a defender of the bond, an undersecretary, a chancellor, who, in as much as they arc major officials, are appointed by the Supreme Pontiff. Moreover, there are at least two notaries, an archivist, a librarian, a protocolist with the joint office of distributor, a comptroller with the joint office of expediter

Reported in *Canon Law Digest,* 6, pp. 324-357; see articles 104-108.

of letters, writers. All of these are nominated by the cardinal prefect according to the norms set down for the whole Roman Curia.

The archivist has the additional function of statistician.

Art. *3.* Voters *(votantes)* and researchers *(referendarii)* serve as consultors and are appointed by the Supreme Pontiff upon proposal by the cardinal prefect.

Art. 4. §1. The promoter of justice, defender of the bond, undersecretary and voters should possess a doctorate degree in both kinds of law; researchers must have at least a doctorate in canon law; the chancellor, in addition to a doctorate in canon law, must have obtained the diploma of advocate of the S. R. Rota. All, however, should be noted for integrity of life and for legal experience.

§2. There are twelve voters and researchers but the major and minor officials of the departments of the Roman Curia cannot be admitted to their number.

Art. 5. The couriers and marshalls of the tribunal seat are taken from good-living laymen who are appointed in accordance with the common norms to be observed in the Roman Curia.

Art. 6. Advocates of the Sacred Consistory and procurators of the Sacred Apostolic Palace can undertake the pleading of cases. In the first section advocates of the S. R. Rota are also admitted; moreover, by special decree of the cardinal prefect, they can also be admitted in the second section provided that they are truly versed in contentious administrative matters.

Art. 7. §1. All arc obliged to make the promise to observe secrecy and to discharge their office faithfully. This is to be done when they first take office, in the presence of a notary' and before the cardinal prefect or, if there is question of minor ministers, before the prelate secretary.

§2. In addition to the promise referred to in §1, advocates and procurators, on the occasion of their admission to plead in the Apostolic Signatura, must also take, before the cardinal prefect, an oath not to accept compensation in excess of the lawful stipends.

Title 11
Individual Eunctions

Art. 8. The cardinal prefect presides over the tribunal as a whole. Together with the secretary, the promoter of justice, the defender of the bond when he must attend, the undersecretary and the chancellor, he examines the bills of particulars and admits or rejects them.

He decides the procedure whereby the question must be settled. If need be, he constitutes the bench of judges after having designated a cardinal as *ponens* or referee. He deputes the researcher fordrawing up the report, the voter for expressing the opinion on the truth of the matter, and likewise the voter for laying out the decision. He signs rescripts of favor and definitive decrees which lie outside the strictly judicial avenue, and other provisions which are reserved to him.

Art. 9. Under the leadership of the cardinal prefect, the secretary regulates the tribunal as a whole and all that pertains to the expediting of causes. He receives the bills of particulars presented to the chancery and, in accord with art. 8, examines them with the cardinal prefect; he secures information. He can change the formulation of the question agreed upon before the undersecretary. He permits oral discussion. He grants permission for the acts, defenses, reports, and written opinions to be printed and watches over their distribution. Along with the notary, he signs the solutions of questions as well as the original of the sentence. Within the stipulated time, he sees to the drawing up of decisions which pertain to pontifical commissions. With the cardinal prefect, he signs rescripts of favour. He orders decisions to the published in the *Acta Apostolicae Sedis.* He secs to the money deposits and to expenses. He looks to the faithful observance of the disciplinary norms by all ministers.

Art. 10. §1. The promoter of justice substitutes for the secretary when he is impeded or absent. He intervenes in all criminal cases and also in contentious cases in which the public welfare can be called into question, as well as in cases referred to the second section in accord with the constitution, *Regimini Ecclesiae universae,* nn. 106-107. He fights for justice and truth.

§2. The defender of the bond protects the rights of the bond and is obliged to intervene in cases in which the matrimonial bond is at issue or in which sacred ordination or the obligations arising therefrom are judicially discussed.

§3. If both the promoter of justice and the defender of the bond are impeded, they arc substituted for by a voter deputed by the cardinal prefect.

§4. Both of them must abstain from the exercise of their function in the cases mentioned in canon 1613, §1 and without prejudice to canon 1614, §3 relative to other tribunal ministers.

Art. 11. The undersecretary helps the secretary in everything. He discharges the function of presiding judge in cases which arc drawn

up by the tribunal and, as a result, he performs those actions which are connected with the drawing up of the cases such as citation of the parties and witnesses and the questionning of them, the defining of the issue, the setting of limitations, and other like matters.

Art. *12.* §1. Voters serve as consultors. Designated in each case by the cardinal prefect, they express their opinion on the truth of the matter and exhibit it to the Fathers Cardinal. They can request oral discussion and assist at it. On orders of the cardinal prefect, one of them sets forth the reasoning of the decision and signs it.

Art. 13. Researchers have the task of researching the facts and the law regarding petitions or obtaining commissions and other rescripts. By prior deputation of the prefect, they draw up a report. They can request oral discussion and assist at it; they have a consultive vote in the discussion of questions. They leave their office at the age of seventy-five.

Art *14.* Under the direction of the secretary, the chancellor runs the chancery office which serves both sections of the Apostolic Signatura; therefore he receives the bills of particulars and the documents and sees that they are protocoled before they are transferred to the secretary. He preserves the tribunal seal, rescripts, decrees and decisions and cares for their execution. He provides that letters and all acts which are sent out in the name of the chancery, are properly drawn up and signs them. He prepares requisitions for payment and exaction. He supervises the notaries and other ministers, the protocol office, the archives and the library.

Art. 15. The notaries of each of the two sections of the Apostolic Signatura create public credence for acts drawn up in their presence They affirm the fidelity of copies with the original; they issue a declaration on the status of acts on which a case is founded; they turn over decisions and decrees for execution. They assist at the interrogation of the parties and the witnesses as well as of the experts whose responses they completely and most faithfully consign to writing and read through and, having made mention of those matters which deserve mention, they together with the judge, sign. They are to be available to the secretary for the taking of minutes. They note in the calendar the date assigned for the positing of acts. The notary who has seniority of appointment substitutes for the chancellor during the time of the latter's absence.

Art. *16.* The minor ministers carry out the assignments proper to them in accord with the general norms for the Roman Curia.

II

FIRST SECTION

Title III

Competence

Art. 17. §1. It belongs to the first section of the Supreme Tribunal to supervise, as in duty bound, the administration of justice according to the norm of the sacred canons and, as a result, the safeguarding of right jurisprudence.

§2. By means of the said section, the Apostolic Signatura passes judgment

1) orra complaint of nullity against a Rotal decision as indicated in art. 19.

2) on a demand for reinstatement *(restitutio in integrum),* with observance of the requirements in art. 20.

3) on recourse against Rotal sentences in cases on the status of persons whom the Sacred Rota refuses to admit to a new examination.

4) on an exception of suspicion against an auditor of the Sacred Rota in accord with art. 21.

5) on a violation of secrecy and on damages brought about by auditors of the Sacred Rota because they placed an act which was null or unjust.

6) on a recourse against advocates and procurators demanding excessive stipends.

Art. 18. In virtue of its administrative power which looks to the judicial forum, it also pertains to the first section:

1) to take cognizance of those matters which are turned over to the Apostolic Signatura through concordats between the Holy See and various states.

2) to look into petitions addressed by means of bills of particulars to His Holiness to obtain the commission of a case to the Sacred Rota.

3) to extend the competence of tribunals, even of those set up for matrimonial cases.

4) to extend the forum for visitors *(peregrinorum)* in the city of Rome to processes dealing with nullity of marriage whenever extraordinary circumstances and very serious reasons occur.

5) to settle conflicts of competence which happen to arise between lower tribunals as provided for in canon 1612, §2.

6) to provide for the establishment of regional and interregional tribunals.

Art. 19. §1. Λ complaint of nullity can be proposed against a Rotal sentence in the cases enumerated in canon 1892 and 1894 provided that the defects listed therein are manifestly apparent. In a doubtful case, the recourse must be considered as destitute of foundation. Recourse is rejected from the outset whenever a defect of legitimate mandate has been sanated in accord with the following paragraph.

§2. /\ defect in the mandate of a procurator is held to be sanated because of appeal interposed by the plaintiff, either personally or through the procurator, against any kind of sentence before the other party attacks the nullity, or, in general, because of any kind of act which was placed by the plaintiff before the complaint of nullity and from which a sanation should be concluded to through ratification.

§3. Λ complaint of nullity can be lodged not only against a definitive sentence but also against an interlocutory sentence emitted in any way whatever by the Sacred Rota, provided, however, that irreparable trouble will arise therefrom in the definitive sentence or the sentence itself has definitive force.

§4. As regards the time within which a complaint can be lodged, canons 1893 and 1895 should be observed.

§5. If against one and the same Rotal sentence a complaint of nullity is cumulative with an appeal, the former must be lodged with the Signatura while the latter must be lodged before a higher turnus of the Sacred Rota. However, as is right, a decision on the complaint must precede a discussion on the appeal.

Art. 20. §1. Λ petition for reinstatement is made within the span of time and for the reasons indicated in canon 1905.

§2. The voluntary execution of an adjudicated matter *(rei indicatae)* after the definitive sentence of the final grade in no wise extinguishes the right to seek and to obtain reinstatement from the Apostolic Signatura.

§3. A petition for reinstatement suspends the execution of a sentence which has not yet been initiated. On the other hand, if from probable indications there is suspicion that the petition was made in order to attach delays to the execution, the judge can decree that the sentence be put into execution but he must give an appropriate notice to the one petitioning reinstatement that, if reinstatement occurs, the petitioner is clear of fault (canon 1907).

Art *21.* §1. The grounds listed in canon 1613, §1 afford foundation for the exception of suspicion against an auditor of the S. Roman Rota.

§2. If an exception has been proposed regarding the merits of the case, an exception of suspicion against an auditor cannot be admitted unless proof of the suspicion becomes known later.

Art. 22. The terminus within which a case which has been referred to the Supreme Tribunal of the Apostolic Signatura by a commission from His Holiness, can be introduced, is three months from the date of obtainment of the commission.

Title IV

Judicial Procedure

Part I: *Complaint of nullity and reinstatement*

Chapter I: Recourse and its admission or rejection:

Art. 23. The bill of particulars is presented to the secretary by the chancellor. With it must be an authentic copy of the impugned sentence, a mandate for a procurator, and the receipt for a definite sum of money deposited with the comptroller as a bond.

Art. 24. The sum of money mentioned in art. 23 goes to the treasury of the Holy See if the recourse is rejected; it is deducted from the expenses if the recourse is admitted.

Art. 25. The chancellor gathers the accepted bill of particulars and its accompanying documents into a dossier which, after it has been recorded in the appropriate book and assigned a number, he passes on to the secretary so that, by means of a decree of notice to the opposing party, he can set a time limit for submitting observation to the tribunal against the recourse; otherwise a process of contumacy must be instituted.

Art. 26. §1. The notary draws up the document of notification which he signs after the secretary and to which he affixes the tribunal seal.

§2. For the validity of a copy which is to be given to a party or his procurator, it suffices that it have the signature of the notary and the seal of the tribunal.

Art. 27. §1. All notifications are delivered by a courier of the Supreme Tribunal itself or, if there is question of a party who lives

outside Rome, by registered mail together with a document of receipt.

§2. The courier testifies at the end of the act that its delivery has been effected.

§3. Whenever it is not known where the person to whom the acts are to be delivered is living, the secretary should order its delivery through the diocesan curia or by other means which in the instance seem necessary or useful.

Art. 28. When the terminus set for the party summoned to assert his rights against the recourse has elapsed and if no observations have been produced by the summoned party himself, the secretary' can proceed further in the case unless he believes the citation should be repeated by a new decree.

Art. 29. By a decree of the secretary, explanations, both in law and in fact, can be demanded as seems appropriate. Notification of this decree must be given to the party from whom the depositions are being demanded and the other party has no right to object.

Art *30.* §1. In addition to the depositions mentioned in art. 29, the secretary should requisition from the S. R. Rota all the acts which have gone before so that he may be able to learn more readily and more accurately the nature of and reasons for the recourse.

§2. It belongs to the secretary himself, furthermore, to seek out the opinion of one or several of the voters, if he believes he should, and also of the promoter of justice and, in matters matrimonial, of the defender of the bond. By means of a legitimate citation, he can also set a date for the parties to appear before him for oral discussion of the reasons for the recourse but he must indicate the topics to which the discussion will be limited.

Art. 31. Both and each of the parties has the right to request from the secretary a transcript of the oral discussion. The secretary, by a peremptory decree, will judge both about the admission of the discussion and about the topics proposed in the instance.

Art. 32. The reasons of the parties are explained in oral discussion by their advocates without prejudice, however, to the right of the secretary, especially in criminal cases, to summon2 the plaintiff and defendant themselves.

Art. 33. §1. The secretary moderates the oral discussion in the presence of the notary of this section who faithfully takes down in writing the evidence submitted by the parties.

Latin text has *arcendi* but this seems to be a slip of the pen for *arcessendi* which the context calls for.- Translator.

§2. Moreover, on order by the secretary, one or two voters and also the promoter of justice or the defender of the bond can be present at the discussion. I hey together with the notary and all others present sign the act.

Art. 34. If anyone speaks out of turn in the oral discussion or does not show the respect due to the Supreme Tribunal, by decree of the secretary he shall be appropriately punished.

Art. 35. With the secretary, promoter of justice, undersecretary, voter and, if so warranted, the defender of the bond in attendance, the cardinal prefect on the date established issues a decree of admission or rejection of the recourse. According to law, the secretary and notary notify the interested parties of the decree.

Chapter II: The joinder of issue.

Art. 36. If recourse shall have been admitted, then, after notification of the decree has been received, it is left to the more diligent party to file with the undersecretary that a date be set for the joinder of issue and for the proposal of questions.

Art. 37. Notice of the decree whereby the undersecretary summons the opposite party to the joinder of issue is sent to the plaintiff and also to the promoter of justice and the defender of the bond, if the case requires their services.

Art. 38. If the parties do not present themselves, or if there is no agreement between them on the questions to be proposed, the undersecretary either continues the joinder of issue to another date or remits the controversy to the judgment of the secretary who advances an incidental question which must be resolved by his decree.

Art. 39. In addition to the undersecretary, the parties, and also the promoter of justice and, if so warranted, the defender of the bond, the notary must be present at the joinder of issue; he faithfully takes down everything and renders surety for them.

Art. 40. §1. In cases of complaint of nullity or reinstatement, only one issue is to be defined: *is the sentence null?* or is *there place for reinstate ment?*

§2. In other cases and recourses which are adjudicated by the Apostolic Signatura, there can be question of various issues to be defined.

Art. 41. In the act of the joinder of issue, it is also decided what sum of money must be paid by the parties as a deposit to take care of judicial expenses; likewise the time limit is established for the presentation of defense briefs and documents.

Art. 42. The formulation of the doubt cannot be reformulated except by following the procedure mentioned in art. 38.

Art *43.* If there is question of recourse for reinstatement against a sentence which shall have passed into an irrevocably adjudged case *(in rem indicatam),* the person making recourse can be compelled to make the complete deposit for expenses. However, when the case has been concluded, the tribunal shall determine what sum of money each one must pay and whether something must be returned to the party making the recourse.

Chapter III: Written and oral discussion.

Art. 44. After the instruction of the case, if required, has been carried out by the undersecretary, the time limit is defined by the secretary for the presentation of documents and defense briefs and, likewise, for the expression of opinion on the truth of the matter by the promoter of justice and the voter and, moreover, for the drawing up of animadversions by the defender of the bond if he shall have been present.

Art. 45. Defense briefs and documents must be rendered at least forty days before settlement of the case. They must be distributed at least thirty days before the settlement. Rejoinders must be presented at least twenty days and distributed at least fifteen days before the settlement itself of the case.

Art. 46. Defense briefs and rejoinders cannot be printed except with the written permission of the secretary.

Art. 47. Documents must be deposited with the chancery of the Supreme Tribunal so that, having been collected into a dossier and supplied with an index, they can there be examined by the parties. An authentic copy for those, however, which are to be printed must besought from the chancellor.

Art *48.* The undersecretary takes care that all the original acts which refer to the case, together with copies of the rejoinder are transmitted to the cardinal *ponens* or referee.

Art. 49. §1. It is the responsibility of the secretary, in virtue of his office, to transmit to each of the Fathers Cardinal who constitute the adjudicating bench, at least fifteen days before settlement of the case, the dossier, together with the rejoinders, in which the juridical status of the case is set forth and the summations alleged by the panics arc completed; he should also include documents which appear to be necessary or useful for casting better light on the case.

§2. On the other hand, if any one of the voters or the promoter of justice or defender of the bond believes new animadversions should be added after the publication of the defense briefs and rejoinders by the parties, these should be transmitted, *ex officio,* in an additional summary to the Fathers Cardinal at least ten days before settlement of the case.

Art. 50. With the distribution of the rejoinders, the case is considered concluded. However, in an exceptional and extraordinary case, oral discussion can be admitted but it must be sought from the cardinal *ponens* or referee by a written request which explains the reasons for the requested benefit and delineate the individual subjects which must be discussed.

Art. 51. The decree of the cardinal *ponens* or referee whereby oral discussion in accord with art. 50 is admitted or rejected, is irrevocable and notice of it is given to the parties. If the discussion is allowed, a citation is added to the notice giving the date set and the designation of the place for the discussion.

Art. 52. The oral discussion cannot be had within a span of time briefer than five days before settlement of the case and its acts, on mandate of the secretary, must be transmitted at once by the notary to the cardinal *ponens* or referee together with the documents, if any, produced.

Art. 53. Just as in the case of oral depositions before the judges, so also there is an absolute prohibition against the diffusion of writings allowed to be read and, in general, against any distribution of the defense briefs or rejoinders which lack the approval of the secretary and which have not been notarized.

Chapter IV: The sentence.

Art. 54. §1. The assembly of the Fathers Cardinal, with no one else present, settles the case. This settlement, which constitutes the dispositive part of the sentence, is put into writing by the cardinal *ponens* or referee, signed by each of the Fathers, and turned over at once to the secretary.

§2. Notice of the decision of the Judges Cardinal is sent to both the S. R. Rota and the parties by an act signed by the secretary and the chancellor and affixed with the seal of the Supreme Tribunal.

Art. 55. §1. A sentence of the Supreme Tribunal retains its force even if it does not contain the reasons in fact and in law.

§2. Nevertheless, either at the request of a party or *ex officio,* if the matter warrants it, the Supreme Tribunal can decree that the

aforesaid reasons be set forth in writing by a voter (canons 1605; 1894, §2).

§3. The voter who sets out the reasons for the decision is to be the same one who was present at the process or another designated by the cardinal prefect.

§4. In every case whatever, the decision must be drawn up within thirty days and should faithfully reflect the mind of the judges in the same words in which it was conceived by the Fathers Cardinal and should be submitted for the approval of the cardinal *ponens* or referee.

Art. 56. It belongs to the secretary to see to it that the decision is published within the time stipulated in art. 55, §4, but this can be fittingly extended by' written decree if it is very burdensome to observe the time limit.

Art. 57. §1. In addition to the history of the case taken from the juridical status mentioned in art. 49, §1, the decision must contain the joinder of issue or definition of issues, the rejoinders, the decree regarding expenses and the mandate of execution.

§2. The chancellor attests to the said sentence which is signed by the secretary and affixes the seal of the tribunal.

§3. Whenever the decision must be expanded by a voter, it is signed by him and also by the secretary with the word "seen" and by the chancellor.

§4. The sentence is preserved in the acts of the chancery' and from it the notaries of the tribunal can produce authentic copies while observing all that must be observed.

Art. 58. §1. The sentence must be published within two months of the settlement of the case in accord with canon 1877 of the code of canon law.

§2. Without prejudice to articles 77 and 82, there is no room for appeal against a sentence of the Apostolic Signatura.

§3. After nullity has been declared or reinstatement granted, the case, unless the Supreme Pontiff provides otherwise, is remanded to the S. R. Rota so that it may deservedly pass judgment in accord with its norms (canon 1604, §3).

Art. 59. After the sentence has been passed, the comptroller will send out accounts of expenses for each of the parties in accord with the decree referred to in art. 57, § 1.

Part II: *Other Competency Topics*

Chapter I: Formal examination of the sentence.

Art. 60. On orders from the cardinal prefect, it pertains to the

secretary to see to it that the civil effects of a sentence passed in favor of the nullity of a marriage are obtained in those nations which have entered into pacts with the Holy Sec on this matter.

Art. 61. If no objection is lodged against the sentence, the scctc-tary prepares a decree which is signed by the cardinal prefect and himself and then given to both of the parties so that it together with a letter from the secretary may be presented to the competent civil authority.

Art. 62. If a doubt should arise regarding the legitimacy of the sentence — on the basis of competency of the judges, the citation, the mandate or the contumacy of a party — the question is submitted to the examination of one of the voters and, after the defender of the bond has been heard, it is defined by the cardinal prefect with the intervention of the secretary, the promoter of justice, the undersecretary, the voter and, if the case warrants it, the defender of the bond. If the sentence actually turns out illegitimate, the cardinal prefect decides what is to be done.

Art. 63. When there is question of dispensation of a sacramental, nonconsummated marriage, an'analogous procedure is followed.

Chapter II: Judicial consideration of a new trial.

Art. 64. Recourse to obtain a new trial after two concordant sentences in cases on the status of persons is introduced in conformity with the norms set down in articles 23 and the following.

Art 65. Within a short span of time to be determined by the secretary, the party making recourse shows the reasons for the petition in law and in fact; the defender of the bond lines up his animadversions; the voter writes up the truth of the matter.

Art. 66. On the day set, the cardinal Prefect, with the intervention of the secretary, the defender of the bond, the undersecretary and the voter, by decree grants or denies the benefit of a new trial.

Art. 67. The decree, signed by the secretary and the notary and sealed with the seal of the tribunal, is sent to the parties in accordance with art. 58. Moreover, if the petitioned benefit is granted, notice of it is given to the dean of the S. R. Rota through the secretary.

Chapter III: Exception of suspicion, and competency conflict between lower tribunals.

Art. 68. In an exception of suspicion as provided for in canon

1603, §1,2 and in a conflict of competency as provided for in canon 1603, §1,6, recourse is introduced in conformity with the norms established in art. 23 and the following. Furthermore, appropriate depositions arc collected by the secretary and a brief instruction of the ease precedes.

Art. 69. Within a period of ten days memoranda are presented by the parties. There is deputed a researcher to prepare a report within ten days and one or several voters to give out an opinion within the same span of time which is also prescribed for the promoter of justice and for the defender of the bond if he shall have been present.

Art. 70. The cardinal prefect, with the intervention of the secretary, the promoter of justice, the undersecretary and also, if the case warrants it, the defender of the bond and the voter, settles the matter with utmost speed.

Art. *71.* On orders from the cardinal prefect, the decision, signed by the secretary and the notary and sealed with the seal of the tribunal, can contain the reasons in law and in fact drawn up by the voter.

Art. 72. In an exception of suspicion the /Xpostolic Signatura, by a peremptory sentence, defines whether or not there is place for the objection to the auditor. The Signatura sends the decision to the S. R. Rota so that it may proceed according to its norms with the auditor, against whom the exception was lodged, present in or barred from the turnus.

Art. 73. Notice of the decision is given in accord with art. 58.

Chapter IV: Cases against Rotal auditors.

Art. 74. In cases against Rotal auditors, the process is unfolded in accord with title XIX of the fourth book of the code of canon law.

Art. 75. The promoter of justice and the voter always intervene and the norms established in articles 44-47 relative to documents and defense briefs are observed.

Art. 76. In accord with art. 1, §§2-3, sentence is passed by the bench of Judges Cardinal and is published in accord with art. 58.

Art. 77. §1. Without prejudice to art. 51,3 in cases against Rotal auditors, right of appeal against the sentence of the first instance of the Apostolic Signatura is given.

3Thisis a mistaken citation for art. 58, §2.— Tranlator.

§2. However, adjudication of the appeal is obtained from the same tribunal of the Apostolic Signatura within the time limit established in canon 1881 and is unfolded in a manner analogous to that of the first instance.

Chapter V. Recourse against advocates and procurators.

Art. 78. Recourse against an advocate or procurator exacting an excessive stipend is exhibited to the secretary through the chancellor by means of prepared documents or, at least, by other properly arranged modes of proof.

Art. 79. By a decree of the secretary, notice of the recourse is given to those concerned. After depositions have been taken by the undcsecrctary and after the accused advocate has been heard, the acts arc turned over to the promoter of justice and a voter is deputed to draw up an opinion on the truth of the matter.

Art. 80. As regards the defense briefs and rejoinders, the norms established in articles 44-47 arc observed.

Art. 81. In accord with art. 1, §2, the decision must be passed by the bench of Judges Cardinal and is published in accord with art. 58

Art. 82. With regard to appeal, art. 77 is in force also in this case.

Chpatcr VI: Judicial expenses and compensation for legal assistance

Art. 83. §1. I'he compensation for procurators and advocates will be described in tables which must be drawn up every four years.

§2. Exceptions against advocates and procurators demanding excessive stipends are taken cognizance of by observance of articles 78-82.

Art. 84. Every kind of computation of compensation is confirmed or diminished by a peremptory decree of the secretary drawn up in executive form.

Art. 85. Expenses for acts and decrees are regulated by title XVI of the fourth book of the code of canon law.

Title V

Administrative Procedure

Chapter I: Request for remandment of ease or for other benefit with a view to the administration of justice

Art. 86. To request remandment of a case to the S. R. Rota or other benefit with a view to the administration of justice, a petition in which the reasons for the request arc also set forth together with the adduced documents, if any, is presented to the secretary through the chancellor.

Art. 87. §1. Notice of the petition is given to the accused party and to other interested persons so that, within the time limit established in the notice, they may present their animadversions and documents, if they have any.

§2. On order of the secretary, the undersecretary turns over the petition together with the proffered documents, reports and deductions to the researcher who draws up a written report in which, in addition to the facts of the case, he sets forth the reasons alleged on both sides in law and in fact.

Art. 88. §1. The cardinal prefect, with the intervention of the secretary, the promoter of justice, the undersecretary, the researcher and, if the case warrants it, the defender of the bond, decides whether the petition is to be referred to the Supreme Pontiff for grant of the benefit.

§2. If the decisions is affirmative, the said cardinal prefect submits the petition to the Supreme Pontiff who, after he has listened to the report, grants or denies the benefit and, if the case warrants it, commits the execution of the benefit to the Supreme Tribunal itself.

Art. 89. §1. The grant or denial of remandment made in an audience with Ilis Holiness must be declared in a decree of the Signatura to the S. R. Rota, the parties, and the other interested persons.

§2. Immediately upon subscription of the remandment. the S. R. Rota acquires jurisdiction which does not cease with the vacating of the Apostolic Sec, even though the remandment has not yet been transmitted to the S. Rota.

§3. The decree whereby other form of benefit is granted or denied, should be communicated to the interested parties.

Art. *90.* §1. If a petition has been rejected by the cardinal prefect of the Signatura on the grounds that it is devoid of foundation, the interested party can have recourse to the said cardinal prefect by bringing forth new documents and proofs so that the matter can be re-examined.

§2. After hearing the voter who draws up his opinion on the truth of the matter, as well as the researcher who presents a new

report, the cardinal prefect, with the intervention of the secretary, the promoter of justice, the undersecretary, the voter, the researcher and, if the case warrants it, the defender of the bond, issues a decree which, if it still rejects the petition, is definitive.

Art. 91. The same form of procedure is used in the cases mentioned in art. 18, nn. 3° and 4°.

Art. 92. §1. It belongs to the Apostolic Signatura to see to the erection of regional or interregional tribunals in places where the right and solicitous administration of justice so demands.

§2. If the cardinal prefect, after having been supplied with timely depositions, and acting with the intervention of the secretary, the promoter of justice, the defender of the bond, the undersecretary and the voter have studied the matter, decides that regional or interregional tribunals must be erected in a place, he orders the preparation of a decree of erection with the pertinent norms so that it can be submitted to the Supreme Pontiff for approval.

Chapter II: Supervision of the right administration of justice.

Art. 93. After prior official declaration to the S. R. Rota by the appellate tribunal or by the party or a witness, or after a prior bill of complaint instituted by the promoter of justice, the dossier mentioned in art. 25, assembled by the chancellor, recorded in the book and assigned a number, is handed over by the secretary to the cardinal prefect who, after he has been furnished with the opinion of the promoter of justice as well as of the voter, and acting with the intervention of the secretary', the defender of the bond, if warranted, and the undersecretary, decrees appropriate investigation into the acts or, by inspection, into the tribunals themselves, their mode of action, the sentences they issued, their observance of procedural law.

Art. 94 The inspection mentioned above in art. 93 can, for serious reasons, be ordered *ex officio,* that is, without any prior intimation, by the cardinal prefect acting together with four Fathers Cardinal who are members of the Apostolic Signatura.

Art. 95 After the cardinal prefect has considered the acts of inspection and requisitioned the opinions of the promoter of justice and the voter, and, it the case warrants it, the animadversions of the defender of the bond, he remands the case for decision to the bench of Fathers referred to in art. 94.

III

SECOND SECTION

Title VI

Competence of the Second Section

Art. 96. Through the second section, the Apostolic Signatura takes cognizance of:

1) contentions which have arisen from an act of ecclesiastical administrative power and which have been referred to it because of an interposed appeal or recourse against the decision of a competent department on the basis of an alleged violation of law.

2) conflicts of competency between departments of the Apostolic See.

3) administrative matters referred to it by the Congregations of the Roman Curia.

4) questions committed to it by the Supreme Pontiff.

Title VII

Procedure in the Second Section

Chapter I: Preliminary norms.

Art. 97. Processes before the second section arc carried on under secrecy with regard to all persons except the parties and their counsel. These inspect the acts after their publication, take notes, and also obtain authentic copies with the permission of the cardinal prefect, and prior transcripts supported by reasons after he has heard the secretary and the promoter of justice.

Art. 98. §1. Decisions of this section can be inspected and transcribed copies of them can be obtained bv the parties and by others who show just cause for this before the secretary' provided that the cardinal prefect, acting at the request of one of the parties ore.x *officio,* has not commanded that the decision be kept secret relative to third parties.

§2. However, even in that case, the right to inspect decisions or to obtain copies is so limited that only the cardinal prefect can grant the right after he has examined the reasons advanced by the one urging the request and after he has heard the secretary.

Art. 99. §1. Parties can stand in court only through counsel.

§2. If a party, for any reason, has not set up for himself counsel who is admitted by the second section of the Apostolic Signatura, the secretary invites the party to appoint some defender for his trust within a period of time definitively set for this purpose.

§3. But if the party has not cooperated with the invitation within the stipulated time limit, the secretary himself proceeds *ex officio* to such appointment.

§4. Counsel, whether set up by the party or *ex officio,* can place and receive, in place of the party in the case, all procedural acts which are not of their nature reserved to the party himself. However, they cannot place acts which may be prejudicial to the right under controversy except by special mandate from the party himself.

Art. 100. §1. The benefit of totally or partially free legal assistance before the second section is granted by a decree of the cardinal *ponens* or referee after he has heard the secretary and the promoter of faith.

§2. The decree referred to in the above paragraph is also signed by the secretary. The notary must notarize it and affix his seal to it.

Art. 101. §1. The expenses of the process and the compensation for legal assistance in the second section are paid by the secretary who draws upon the deposit which the parties arc obliged to establish in the chancery of the Apostolic Signatura. The prorated amount of proccssual expenses and of compensation for legal assistance in each case arc determined by the adjudicating bench or, if the process docs not arrive at a definitive decision, by the cardinal prefect.

§2. If the benefit of free legal assistance shall have been granted, the proccssual expenses and suitable compensation for legal counsel are taken from the money set aside in a fund for this purpose (Fund for free legal assistance). **I**

Art. 102. §1. The lime limits set in proccssual acts are regulatory unless they are expressly declared to be peremptory.

§2. Nevertheless, the cardinal prefect as well as the secretary, within the limitations of each one's competency, has the right to establish fixed legal periods of time *(terrninos fatales)* if such action is required for the expeditious handling of the case.

§3. Against a decision of the secretary, the parties have right of recourse to the cardinal prefect.

Art. 103. Nullity of some proccssual act can be declared then only when the very act lacks those elements which arc necessary to

achieve its purpose but never if the act actually attains the purpose to which it was ordered.

Chapter 11: Procedure in recourse against an act of public ecclesiastical administration.

Art. 104. To obtain a decision from the second section of the .Apostolic Signatura in the controversies referred to in art. 96, n. 1, recourse must be had and drawn up in accord with the common proccssual norms (cf. canon 1706 and following).

Art. *105.* §1. Recourse must be made known to the chancery within the peremptory period of thirty days from the date on which notice was received of the decrees or acts which are being impugned, or from the date on which it is proved that the party having recourse actually had knowledge of them in accord with rhe norm of law. If this cannot be done, then within the same peremptory time period recourse must be made to the office of public business so that the recourse can be transmitted to the chancery on the basis that an authentic written statement of receipt with definite notation of the date be presented.

§2. This written statement must be annexed to the acts by the interested party.

§3. The Apostolic Signatura can establish longer periods of time by a general rule to be valid for five years for places outside Europe in which some special difficulty obstructs the means of communication. Λ decree of this kind will become part of public law by its insertion into the official commentary, Acta *Apostolicae Sedis.*

Art. 106. Recourse to the second section of the Apostolic Signatura must be written and must report:

1) the surname and first name of the party making recourse; his home or place of residence; also his title if he is not making the recourse in his own name but is acting as a representative of somebody else.

2) the administrative act or decree which is being impugned and the date of reception of notice in accord with the norm of law.

3) a summary setting forth the facts; the reasons on which the recourse rests; the law's which are claimed to have been violated; the conclusions.

4) the signature of the party having recourse or of his counsel who has been armed with a special mandate; in this second case, also the terms of the said mandate unless the mandate is appended to the recourse itself.

Art. 107. §1. The recourse is null and void: 1) if it lacks the signature required by the preceding article, n. 4; 2) if it remains absolutely uncertain which persons or what object is dealt with in the recourse.

§2. In other cases the secretary has the right to decree a representation of the recourse within the fixed legal time period which must be established in his decree.

Art. 108. If serious reasons or documents on which it is based are adduced, a suit can be appended to a recourse to obtain suspension of the execution of the impugned act.

Art. 109. Together with the recourse the following must be presented:

1) as many copies of the said recourse as are necessary so that it can be immediately communicated to all who have an interest in it.

2) the special mandate, if any, signed by the mandator, duly certified by an ecclesiastical authority, and directed to an approved counsel.

3) a copy of the impugned decree unless it cannot be exhibited by the party making recourse either because the public administration has refused to provide a copy' or because the available time for proposing recourse did not allow time to obtain a copy.

4) the documents which are alleged to support the recourse.

5) the prorated sum of money which must be deposited in a fund and which is decreed each year by the cardinal prefect or the petition, supported by appropriate documents, to obtain the benefit of free legal assistance.

Art. 110. In order that lawful proof be had that the public administration refused to hand over a copy of the impugned decree, the party having recourse is obliged to prove that he requested a copy by registered letter together with the written notice of receipt or equivalent local system; this must be done at least fifteen days before expiration of the fixed legal period of time.

Art. 111. Either the counsel of the party having recourse or the recurring party himself or the second party must choose a residence for the process either in Rome or in Vatican City for the receipt of notification of processual acts pertinent to him. Otherwise notification about the acts till be made at the chancery of the Apostolic Signatura.

Art. 112. As soon as the recourse together with the necessary documents has arrived at the chancery, the secretary should take care that it be communicated to the ecclesiastical authority which

passed the decision which is being impugned as well as to other parties interested in opposing the recourse. He should demand from the competent ecclesiastical authority that it transmit all the acts and documents pertinent to the case under controversy within a peremptory time limit of thirty days from the receipt of the communication. He should invite all having opposing interest to present possible counter recourse or to make rejoinders and to exhibit acts and documents, each for his respective side, within a like time limit of thirty days. Finally, he should ask all to deposit a sum of money just as is stipulated in art. 109, n. 5.

Art, *113.* §1. Unless, in the judgment of the cardinal prefect, after he has heard the secretary, the promoter of justice and the undersecretary, the suit for suspension of the execution of the impugned decision should be rejected from the outset, the secretary should immediately communicate notice of the said suit to the ecclesiastical authority which passed the decision and to every person having an opposing interest and should set a time of thirty days to establish counsel for himself or to produce deductions or documents which seem to him useful for settlement of the case.

§2. When the time limit has elapsed, the secretary should turn over to the promoter of justice the complete presentation which has been drawn up *ex officio,* and invite him to express his opinion within a further time limit of ten days from the receipt of the presentation.

§3. Suspension of the execution of the impugned decision must begranted or denied within and not beyond a time limit of sixty days from the time the recourse and appended suit arrived at the chancery.

§4. If the second section of the Apostolic Signatura believes that the execution of the impugned decision should be suspended, the secretary should send notice of the decree of suspension in the most expeditious manner to the competent ecclesiastical authority so that it can be made effective without any interposed delay.

Art. 114. §1. If the mandate from the party having recourse is conferred on counsel after the recourse has been presented at the chancer}' of the Apostolic Signatura but before expiration of the time limit for the presentation of the acts and documents mentioned in art. 112, the counsel can request from the secretary that the time limit be computed from the receipt of his mandate or from notice of it if the mandate itself was sent directly to the chancery, so that he can present both a defense file to point up or also, if the case warrants it, to emend the recourse presented by the party, and new

documents which he may believe useful for the defense of the recurring party.

§2. After the party having recourse has inspected the presentation and documents profferred in accord with the above art. 112, cither *ex officio* or for the party, by the ecclesiastical authority and by any other person having an opposing interest, he always has the right to seek from the secretary the opportunity to present further written memoranda to spell out or emend the recourse, even though it has been exhibited or signed by his counsel.

§3. In written memoranda of this sort, the party making recourse can also propose additional reasons for the recourse which he has, as a matter of fact, deduced from his inspection of the documentsand the acts which were gathered *ex officio* or produced by the party and deposited as above indicated. He can likewise insist that he be given opportunity to present further documents in his defense which seem necessary after deposit of the acts and documents whether the deposit was *ex officio* or for the sake of the party. On the other hand, all these matters must be completed within the time limit of thirty days from the time the chancer}' communicated that those acts and documents had been deposited.

§4. The opposition parties have the right to object or to propose a counter recourse as well as to exhibit further documents to refute those produced by the recurring party. This must be done within a time limit of twenty days from the receipt of notice of the new deductions or documents by the party having recourse.

Art. 115 §1. When the time limits for presenting defenses and written memoranda by the parties has elapsed, the secretary turns over all the acts of the process to the promoter of justice so that he may express his opinion on the truth of the matter. However, if because of the mass of work the promoter of justice is not equal to expressing his opinion within the time limit set down in the following paragraph the secretary, upon the written request of the promoter of justice himself, can assign the task in individual cases to one of the voters or researchers of the Apostolic Signatura.

§2. The promoter of justice, whether the usual official or one deputed for the case, is obliged to deposit his opinion on the truth of the matter at the chancery within thirty days from the receipt of the processual acts. I his opinion the secretary by his decree should quickly communicate to the parties in the case and they can respond to it within the time limit of ten days from receipt of the communication.

Art. 116. After all the writings mentioned in the preceding articles have been distributed under the care of the chancellor, the cardinal prefect, with the intervention of the secretary, the promoter of justice and the undersecretary, decrees within the time limit of twenty days whether the recourse is to be admitted to discussion or is to be rejected as manifestly lacking foundation.

Against a decree of rejection, recourse to the adjudicating bench is granted within the time limits established by canon law. The decision of the bench is not open to any attack.

Art. *117.* § 1. Within the time limit of thirty days from the admission of the recourse, the secretary convokes the parties or their counsel for a summary oral examination of the process. In this examination he seeks necessary statements; indicates the questions which he believes can be assembled *ex officio* and must be handled in due time; determines the questions which are prejudicial and basic; and sets forth the proper limits of the controversy.

§2. When the summary and preliminary examination mentioned in the above paragraph have been completed, if the parties mutually agree, the secretary can order further administrative investigations, the production of documents and statements, and, if the case warrants it, the completion of the discussion.

If the parties do not agree, the adjudicating bench sees to the matter.

§3. In special cases the cardinal prefect can by his decree require a consultive opinion of a lawyer who is expert in administrative matters and who is outstanding in religious practice and in probity.

Ari. *118.* Within the time limit of thirty days from the convocation of the parties mentioned in §1 of the above article – if no supplementary instruction has been stipulated and if the consultive opinion mentioned in §3 of the above article is not required — or within the time limit of thirty days from the receipt of notification that the documents supplied, the investigations and the consultive opinion referred to in §2-3 have been deposited with the chancery, the party having recourse must, on his own responsibility and at his expense, deposit with the chancery as many copies of the summary process as the secretary shall have decided. The parties have the right, within the same time limit, to deposit a conclusive file in which arc contained all the petitions, including that for the sequence of business, and the complete development of the reasons, both in fact and in law, on which the petitions themselves are based.

Art. 119. The summary and other acts of the process, the defense, in fine, all writings can, as the interested party prefers, be printed or typed up or produced by other devices which are suitable for making multiple copies. However, the copies must be easily legible, clean and free of mistakes. Otherwise, the notary should take care to provide substitutes at the expense of the party.

Art. 120. §1. Within sixty days from the completion of the time limit mentioned in art. 118, the adjudicating bench holds an assembly.

In this kind of assembly the cardinal *ponens* or referee reports the tenor of the impugned decision and lines up the reasons offered for and against the recourse as well as the questions which are pre judicial and were determined on their merit in the convocation of the parties mentioned in art. 117, all of which questions the Signatura has undertaken to resolve.

§2. The promoter of justice then briefly and orally declares his mind on the truth of the matter in their regard.

Art. 121. After these matters referred to in art. 120 have been handled, the adjudicating bench, with nobody else in attendance, renders its decision. The dispositive section of the decision is written by the cardinal *ponens* or referee; it is then signed by each of the Fathers and immediately turned over to the secretary.

Art. 122. §1. In deliberating on the merits of the case, the bench of judges cardinal must render a decision with regard to all the proposed petitions and the respective exceptions. However, with reference to only some petitions, it can render a decision if these alone do not require further treatment and if a considerate settlement seems urgent.

§2. The decision possesses force even if it docs not contain the reasons in fact and in the law.

§3. This notwithstanding, the cardinal prefect or the bench of judges cardinal can decree that, with the observance of art. 55, §4, the aforementioned reasons be set forth in writing by the promoter of justice or by a voter.

Art. 123. §1 If the bench of judges cardinal does not settle the controversy totally or partially, it can, by its decree, stipulate that witnesses be brought in, that inspections be made, and can order examinations by experts and other procedures which may conduce to discovery of the truth.

§2. By the same decree the adjudicating bench sets down the limitations to be observed and the methods to be followed in its

execution. The bench can grant the parties the opportunity to stand in and to make use of experts approved by the Apostolic Signatura.

§3. Whenever the preparatory process must be supplemented, the bench of judges can delegate for this purpose the undersecretary, or the *officialis* of the ecclesiastical tribunal which is competent by reason of territory, or, finally, any other person who has been set up in a position of ecclesiastical authority.

§4. The person delegated by the adjudicating bench should initiate the preparatory process as soon as possible and see it through with sedulous care.

Chapter HI: Procedure in recourse for settlement of conflicts between departments of the Roman Curia on competency.

Art. 124. In the cases mentioned in art 96, n. 2, recourse should be handled as quickly as possible and, making due accommodations, should employ the procedural norms set down above in articles 112, 115 and the following.

Chapter IV: Administrative and disciplinary processes entrusted by the Supreme Pontiff or referred by the departments of the Roman Curia.

Art. 125. In the cases mentioned in art. 96, nn. 3 and 4, the procedural norms set down in articles 104 and the following must be observed but with due accomodations made.

Chapter V: General norms on remandment.

Art. 126. With regard to matters which arc not expressly provided for in the present special norms, the procedural norms established in titles 111 to XIII of the first section of the first part of the fourth book of the code of canon law arc to be observed in as far as they can be applied. However, they arc to be so accommodated that the greatest possible care is taken relative to that special brevity which must characterize processes carried out before the second section of the Apostolic Signatura.

APPENDIX

Sources

Pius VII: *motu proprio,* "Quando per ammirabile," 6 July, 1816 *(Bullarii Romani Continuatio,* VII, P. II, 1268-1297).

Gregory XVI: *motu proprio,* "Elevati appena," 10 November 1834 *(Acta Gregorii Papae XVI,* IV, 290-410).

Lex propria... Signaturae Apostolicae, 29 June, 1908 (A.A.S., 1 [1909], 29-35).

Regulae servandae in indiciis apud Supremum Signaturae Apostolicae Tribunal, 6 March, 1912 (ΛΛ$,, 4 [1912], 187-206).

Benedict XV: chirograph, "Attentis expositis," 8 June, 1915 *(A.A.S.,* 7 [1915], 325).

Appendix ad regulas servandas in indiciis apud Supremum Signaturae Apostolicae Tribunal, 8 November, 1915 *(C.I.C. Fontes,* VII, 608-618).

Codicis luris Canonici canones.

Normae S. Romanae Rotae Tribunalis, 29 June, 1934 (A.A.S., 26 [1934], 449-492).

Paul VI: constitution, "Regimini Ecclesiae Universae," 15 August, 1967 *(A.A.S.,* 59 [1967], 885-928); reported in *Canon Law Digest,* 6 pp. 324-357.

Regolamento Generale della Curia Romana, 22 February, 1968; reported in this volume of *Canon Law Digest* under canon 242.

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APPROBATION

The Supreme Pontiff, Paul VI, in a letter from the Secretary of State, dated 23 March, 1968, to the undersigned Cardinal Pro-Prefect, has deigned to approve these special norms which are to be observed by way of experiment in the Supreme Tribunal oj the Apostolic Signatura.

25 March, 1968.

/s/ Cardinal Dino Stuffa, Pro-Prefect.

(Private); Sig. Apost., Special Norms, 25 Mar., 1968-, Latin text reported in *Arcbiv fur Kath, Kircbenrecht,* 137 (1968), 177-202; also in *Periodica,* 59 (1970), 114-163 where the text is annotated by many references to the *Sources* as well as other notations (pp. 164-165) and is preceded by an introductory article (pp. 75-113) (Gordon).

Extension of Competence of Tribunal (S. C. Sacr., 7 May, 1968); Sig. Apost., 24 May, 1968) Private.

Case. I he circumstances were such that the diocese concerned could not handle the case for one reason or another. The reasons

were legitimate but the result for the plaintiff would be that she would be really deprived, because of the legalities, of the opportunity to have her case heard. The case came to the attention of the tribunal of the Diocese of Worcester when the woman became interested in a young man from that area. The Worcester *officialis* wrote to the S. C. of the Sacraments on 8 March, 1968 for extension of its competence so that it could process the case. After a long lapse of time a second request was sent in case the first was lost in the mail.

Reply. In connection with your letter of the 29th of last month in which Your Excellency asked that your diocesan tribunal of Worcester be granted an extension of competence to be the court of first instance for adjudicating the case of nullity of marriage of P.-B., I hasten to inform Your Excelency that your petition was sent on 22 April to the Supreme Tribunal of the Apostolic Signatura because of the competence the said Tribunal acquired as of the 1st day of March in virtue of the apostolic constitution, *Regimini Ecclesiae Universae.*]

(Private); S. C. Sacr., Reply, 7 May, 1968, Prot. N. 28/68Vg.

In your letter of 8 March, 1968, the Excellent Ordinary of Worcester requested a pontifical commission so that the above-mentioned case could be handled in the Worcester Tribunal rather than in the tribunal of the military ordinariate.

After having weighed the petition and considered the special circumstances occurring in the case, the S. Tribunal of the Apostolic Signatura, in its meeting on 21 May, 1968, decreed: "The commission is granted as requested."

His Holiness, Pope Paul VI, in the audience granted to the Substitute of the Secretariat of State on 24 May, 1968. approved the decision of the Signatura.

Given at Rome, from the seat of the Supreme Tribunal of the Apostolic Signatura, the 24th day of May, 1968.

(Private); Sig. Apost., Reply, 24 May, 1968, Prot. N. 241/68 C.P. Copies of all documents kindly sent us by the Rt. Rev. Msgr. T. P. O'Connell, *Offictalis* of the Worcester Tribunal.

'Reported in *Canon Law Digest,* 6, pp. 324-327; see art. 105.

Apostolic Signatura: Incompetence (Sig. Apost., 21 May, 1968)
Private.

Following arc two cases, both decided on the same date, in which the Apostolic Signatura declares itself to be lacking competence.

1

Facts. Sempronius, a priest and a doctor of medicine and surgery, in 1923 obtained an induit from the S. C. of the Council to practice "natural medicine" with removal, however, of scandal in visitations to women. However, in 1957 his Ordinary restricted the exercise of the induit. Recourse to the S. C. of the Council was interposed and this Congregation on 27 June, 1960, after having maturely weighed everything, replied and declared: *"Tbe recourse must be rejected and tbe induit granted in 1923 is no longer valid."* Against this decision, Sempronius again had recourse and raised opposition before the same Sacred Congregation which on 25 October, 1960 replied: *"Already decided as above."* Now Sempronius has interposed recourse before the Apostolic Signatura against the rescript of the S. C. of the Council.

Animadversions. The new competency of the Apostolic Signatura is determined by the constitution, *Regimini Ecclesiae Universalis,*[2] which became effective on 1 March, 1968,* and by the *Special Norms,* which the Supreme Pontiff approved on 23 March, 1968? So, it takes cognizance through its second section of recourse against the decision of a competent Department of the Roman Curia whenever a decision is passed after 1 March, 1968 and a violation of law is alleged.

Decision. In the session on 21 May, 1968 it was decided: *Tbe recourse cannot be admitted* since the impugned decision antcccdcd by several years the current competence of the Apostolic Signatura regarding contentions which have arisen out of an act of ecclesiastical administrative power.

(Private): Sig. Apost., decision, 21 May, 1968; reported in *Apollinaris,* 43 (1970), 465-466.

[1] Reported in *Canon* Lsw *Digest,* 6, pp. 324-357,

[2] See *Canon Law Digest,* 6, p. 357.

[3] Reported above under this same canon. Though approved on 23 March they were issued by the Apostolic Signatura under date of 25 March, 1968

I!

1

Facts. By a bill of complaint on 21 December, 1967, Valerius, a priest of the Diocese of B., in the name also of other members of the faithful, petitioned from the Apostolic Signatura the "rehabilitation" of deceased priest X from an excommunication pronounced against him on 22 April, 1914, by the Supreme Congregation of the Holy Office.

Decision. In the session on 21 May, 1968, it was decided: *The recourse cannot be admitted* both because of the matter and because of the time. For the competence of the Apostolic Signatura cannot be extended to this matter nor to a time antcceding its new administrative competence.

(Private); Sig. Apost., decision, 21 May, 1968; reported in *Apollinaris,* 43 (1970),466.

h

Apostolic Signatura: Incompetence (Sig. Apost., 25 July, 1968) Private.

Facts. Adalbert, a priest, on 6 June, 1968, interposed recourse before the Apostolic Signatura against the decision of the president of the "Society of the Holy Childhood" who had removed him from the position of national director of the said institution.

Decision. In the session on 25 July, 1968, it was decided: *Not pertinent.* For it docs not pertain to the Apostolic Signatura to look into recourse against decisions of Offices which arc not Departments of the Roman Curia.

(Private); Sig. Apost., decision, 25 July, 1968; reported in *Apollinaris,* 43 (1970),467.

Apostolic Signatura: Competency in Marriage Matters (Sig. Apost 31 July, 1969) Private.

The following letter was sent to apostolic delegates:

The apostolic constitution, *Regimini Ecclesiae Universae,*[1] of 15 August, 1967, has turned over to the Supreme Tribunal of the Apostolic Signatura the complete work of supervising all ecclesiastical tribunals, both diocesan and intcrdioccsan, whether regional or inter-

[1] Reported in *Canon Law Digest,* 6, pp. 324-357.

regional, and, in line with its assignment, to oversee the correct administration of justice in accord with the law. Therefore, very many of the matters which used to be taken care of in the past by the supervisory office of the S. C. for the Discipline of the Sacraments relative to regional matrimonial tribunals, now come under the competence of the Apostolic Signatura (const, cited, nn. 105 and 154). As a result, after consultation with the S. C. for the Discipline of the Sacraments, the following are expressly brought to the attention of those concerned:

1. Only the Tribunal of the /Xpostolic Signatura can admit to the exercise of their function in ecclesiastical tribunals and confirm procurators and advocates who are lacking the requisites set down in the instruction, *Provida Mater.*2

2. It belongs to the same Apostolic Signatura:

a) to establish regional and interregional tribunals.

b) to grant faculties and to derogate from procedural norms which are contained in the cited instruction.

c) to resolve doubts about procedural questions if any happen to arise in any case.

d) to allow a summary process in cases of nullity of marriage which arc outside the cases mentioned in canon 1990; to dispense from the second instance in a formal process if serious reasons so advise; to senate acts which arc null.

3. The same Supreme Apostolic Tribunal:

λ) takes cognizance of recourses against Ordinaries, if the matter has not yet reached the initial stage *(res adhuc integra),* whenever they have not referred the denounced nullity of a marriage to the promoter of justice or have not compelled him to attack it because he is unwilling (arts. 37-, 38, §2; 40 of the cited instruction).

b) looks into questions on the competence of a judge in marriage cases on the basis of "quasi residence" and, if need be, grants him appropriate faculties.

c) allows spouses who lack capacity to accuse a marriage, to act as plaintiffs, if there are special reasons (cf. canon 1971; art. 35, §§1-2-3 of the instruction, *Provida Mater).*

I ask Your Excellency to sec to it that this letter come to the notice of all local Ordinaries of the region entrusted to your legation.

(Private); Sig. Apost., Letter. 31 July, 1969. Prot. N. 431/69 V.T. copyof original kindly sent us by the Canadian Canon Law Society.

"Reported in *Canon Law Digest,* 2, pp. 471-5 30.

Signatura: Jurisprudence: condensed presentation of great variety of cases proposed from 1968 through 1970: reported in *Apollinaris,* 43 (1970), 453-467, 504-530; *Periodica.* 60 (1971),27 3-350.

Recourse: nature of, in appeal from Sacred Congregation to Signatura in case of procedural removal of pastor. *See* c. 2153; Com. Vat. II Interp., 1 July, 1971.

Second Section: questions regarding competency. *See c.* 242; Com. Vat. II Interp., 11 Jan., 1971.

Second Section: study of, in *Archiv K. K„* 140 (1971),507-514 (Staffa).

CANON 265

Papal Legates: Office of (Paul VI, 24 June, 1969) AAS 61-473.

In a *motu proprio, Sollicitudo omnium ecclesiarum,* Pope Paul VI briefly reviews' the pope's responsibility to govern the Church and cites the need of papal representatives around the world both to bring the pope closer to the local churches and to bring nations closer to the pope. He goes on to recall that the Second Vatican Council in its *Decree on tbe Pastoral Office of Bishops,* n. 9, asked that the office of papal legate be more precisely determined. This more precise determination is *verbatim* as follows.

I

1. By the term, *papal legates,* arc here understood ecclesiastics, often endowed with the episcopal dignity, to whom the Roman Pontiff entrusts the office of representing him in a permanent manner in various nations or regions of the world.

2. They exercise their papal legation either only to local churches or jointly to the churches and to states and civil governments. Those who discharge their legation only to local churches are called apostolic delegates. On the other hand, if to this legation, which is of a religious and ecclesial nature, there is also added the function of promoting relations with states and civil governments, then the legates are given the special title of nuncio, pro-nuncio or internuncio according to whether they belong to the rank of "ambassador" with or without the right of acting as dean of the diplomatic corps, or arc ranked as "extraordinary envoy] and minister plenipotentiary."

3. Due to special circumstances of place or time, a papal legate may also be called by other titles such as, for example, "apostolic

'English version of this review in *Catholic Mind, 67* (Sept., 1969). 51-54; *The Pope Speaks,* 14 (1969-70), 260-263.

delegate and envoy of the Holy See to a government." It also happens that in a permanent but supplemental way the office of legate is not given to a papal legate but to a "regent" or to a "charge d'affaires with credentials."

II

1. Also representing the Holy See are ecclesiastics and laymen who, as heads or members, are part of a papal mission to international organizations or to conferences and congresses. These arc called delegates or observers according to whether the Holy See is registered or not registered among the members of the respective international organization and whether it takes part in a conference with or without the right to vote.

2. Likewise representing the Holy Sec are those members of a papal legation who, because the head of the said legation is temporarily lacking or absent, takes his place with regard to the local church as well as to the civil government and who are called "chargé d'affaires ad interim."

3. The norms contained in this document do not affect delegates and observers of the Holy See nor "chargé d'affaires ad interim," unless express mention is made of them.

Ill

1. The Roman Pontiff has the natural and independent right freely to appoint, send, transfer and recall his representatives without prejudice to the norms of international law as regards the sending and recalling of constituted legates to states.

2. The mission of papal legate docs not cease when the /Xpostolic See falls vacant; it docs cease, however, with the completion of his mandate, by revocation conveyed to him, by renunciation accepted by the Roman Pontiff.

3. Without prejudice to a contrary prescription of the Supreme Pontiff, a papal legate is also affected by the norm set down in the general regulation of the Roman Curia whereby, that is, an office ceases at the age of 75.

IV

1. The principal and characteristic function of a papal legate is daily to render stronger and more effective the bonds of unity which obtain between the Apostolic Sec and the local churches.

2. In addition, he functions as interpreter of the solicitude of the Roman Pontiff for the good of the country in which he exercises his mission. In a special way he must take to heart the questions which concern peace, progress and collaboration of peoples with the intent of promoting the spiritual, moral and economic good of the whole human family.

3. It also belongs to the papal legate, in concert with the bishops, to safeguard whatever pertains to the mission of the Church and of the Apostolic Sec with the authorities of the state where he exercises his office. Indeed, this responsibility also devolves upon those legates who have not been sent to rulers of state; they should, however, strive to foster beneficial relations with the civil rulers.

4. Inasmuch as he represents the supreme shepherd of souls, the papal legate, in accord with the mandates and instructions he has received from the competent offices of the Apostolic See and in joint counsel with the bishops of the place where he is discharging his mission and, in eastern regions, with the patriarchs especially, should promote opportune relations between the Catholic Church and other Christian assemblies and should foster cordial dealings with non-Christian religions.

5. The papal legate performs his manifold assignment under the direction of and in accord with the mandate of the Cardinal Secretary of State and of the Prefect of the Council for the Public Affairs of the Church to whom he must render an account of his performance of the mission entrusted to him by the Roman Pontiff.

V

1. As part of his ordinary function the papal legate must regularly, truthfully and adquatcly inform the Apostolic Sec of the conditions of the church to which he has been sent and of all else which touches upon the very life of the Church and the good of souls.

2 The papal legate, on the one hand, makes known to the Apostolic See the suggestions and wishes of the bishops, clergy, religious and laity of his territory; and on the other hand, acts as interpreter of the Holy See's acts, documents, information and mandates to those whom they concern.

3. Wherefore, the individual departments and offices of the Roman Curia shall not fail to indicate to the papal legate the decisions they have taken and shall, as a rule, make use of his work

so that the decisions may reach those concerned. They should also consult the papal legate concerning matters and decisions which affect the territory in which he is missioned.

VI

1. Relative to the nomination of bishops and of other Ordinaries equivalent to bishops, the papal legate has the task of drawing up in usual form the informative process on candidates and also of proposing a list of the candidates or the individual names of suitable candidates to the competent departments of the Roman Curia. He should draw up an accurate report and also signify, in the presence of the Lord, his own opinion and vote as to which of the candidates seems to him best qualified.

2. In the discharge of this duty, the papal legate:

a) will freely and discreetly seek out the opinion of ecclesiastics and also of prudent laymen who seem the best qualified to provide useful and trustworthy information. He should impose on them the obligation of secrecy which, as is evident, is demanded either by respect due those consulted and to those inquired about or by the very nature of this consultation.

b) shall act in accord with the norms established by the Apostolic See regarding candidates for the episcopal ministry in the Church and shall bear in mind the competency of the episcopal conference.

c) shall respect legitimate privileges granted or acquired by law as well as any special procedure approved by the Apostolic See.

3. In every case, the current law of the Oriental Churches retains its force relative to the election of bishops as does also the practice of proposing candidates for those ecclesiastical jurisdictions which have been entrusted to religious communities and are subject to the authority of the Sacred Congregation for the Evangelization of Nations.

VII

While the rights of episcopal conferences to express wishes and suggestions regarding the erection, dismemberment and suppression of dioceses and of ecclesiastical provinces remain intact and without prejudice to the discipline of the Oriental Churches, the papal legate

should himself promote study of these questions, if need be, and should indicate to the competent department of the Apostolic Sec what the episcopal conference proposes on the point as well as his own opinion.

VIII

1. With regard to relation with bishops to whom by divine mandate has been entrusted the care of souls in each diocese, the papal legate, while leaving to the bishops the complete exercise of their jurisdiction, must, in a spirit of fraternal cooperation, bring aid, give advice, and lend ready and generous efforts to them.

2. Regarding relations with episcopal conferences, the papal legate should be mindful that their responsibilities and tasks are of extreme importance and, as a result, he should foster close relations with them and proffer every possible help. Although he is not by law a member of the conference, nevertheless he shall attend the first meeting of each general session, without prejudice to the right of taking part in other meetings of the conference at the invitation of the bishops themselves or by express order of the /Xpostolic See. Moreover, in due time, the issue to be treated of in the session will be made known to him and a copy of the transactions will be sent him so that he himself will be informed on the matters and he can transmit them to the Apostolic See.

IX

1. While attentive to the juridical nature of religious communities of pontifical law and to the opportunity to bolster their internal unity and their association inside and outside the national boundaries, the legate of the Roman Pontiff is to render advice and help to the major superiors residing in his legation's territory for the purpose of promoting and confirming conferences of religious men and of religious women and of suitably coordinating the various endeavors of religious institutes in the fields of pastoral activity, education, welfare and social work. The norms passed by the Apostolic Sec as well as directives of the local episcopal conference are to be complied with fully.

2. Wherefore, the papal legate will attend the first meeting of the conferences of religious men and of religious women and also those acts which, after consultation with the major superiors, seem to call for his presence. Moreover, in due time, he will be informed of the issues to be treated of in the session; a copy of the transactionswill be sent him so that he can know them and transmit them to the competent department of the Roman Curia.

3. 'I'he opinion of the papal legate together with that of the bishops concerned is necessary whenever a religious congregation whose motherhouse is located in the legation's territory, proposes to obtain approval from the Apostolic See and the title of "pontifical law."

4. With reference to Secular Institutes, the papal legate discharges the same functions mentioned in numbers 1, 2 and 3 after making the necessary adaptataions of them.

X

1.Relations existing between the Church and the state are usually cultivated by the papal legate to whom has been entrusted the proper and special task of acting in the name of and with the authority of the Apostolic See:

a) to promote and cultivate relations between the Apostolic Sec and the government of the nation in which he exercises his mission.

b) to treat questions which concern relations between Church and state.

c) finally, to treat in a special way of stipulations which arc called "modes of living" regarding agreements and concordats as well as regarding conventions which deal with matters pertinent to public law.

2. In expediting these matters, the papal legate will do well to seek out the opinion and advice of the bishops in the manner and to the degree that circumstances suggest and will keep them informed of developments in negotiations. ^9

XI

1. Where the Holy See does not have a delegate or an observerai international organizations, it belongs to the papal legate to follow

up diligently on the agenda programs drawn up by those organizations. Furthermore, he will take care to:

n) keep the Apostolic See regularly informed on these matters.

b) promote, after consultations with the bishops, beneficial collaboration between welfare and educational institutes established by the Church and similar institutes whether government supported or not.

c) support and promote the activities of Catholic international organizations.

2. Delegates and observes of the Holy Sec at international organizations should carry out the task entrusted to them after consultation with the papal legate of the country where they arc stopping.

XII

1.The seat of the papal legation is exempt from the jurisdiction of the local Ordinary.

2.The papal legate can grant priests faculties to hear confessions in the chapel of his residence, to exercise their own faculties, and to perform there liturgical acts and sacred ceremonies but always in harmony with the norms prevailing in the territory and, if expedient, after having informed the ecclesiastical authority concerned.

3.The papal legate has the right, after notifying the local Ordinaries, where this is possible, to bless the people and to perform divine functions, even with pontificals, in all churches within the confines of his legation.

4.Within the confines of his legation, the legate of the Roman Pontiff takes precedence over archbishops and bishops but not oxer members of the Sacred College nor patriarchs of the Oriental Churches whether they are in their own territory or are elsewhere performing sacred functions in their own rite.

5.The rights and privileges belonging to the person or to the seat of the papal legate have been granted with the intent that the legate, by a moderate and prudent use of them, will more clearly manifest the true character of his legation and more easily and fully discharge his ministry.

What We have decreed in this Our letter, given on Our own imtitativc, We wish to be considered ratified ami established, all things to the contrary notwithstanding, even those deserving very special mention.

Given at Rome, at St. Peter's, on the 24th day of June, 1969, the seventh of Our pontificate.

AAS 61-473; Paul VI, *Motu propio,* 24 June, 1969.

Papal Legate to the Patriarchal Basilica of St. Francis of Assisi (Paul VI, 8 Aug., 1969) AAS 61-553.

This *motu proprio, Inclita toto,* after a brief recounting of various honors bestowed on the church at St. Francis of Assisi by other popes through the centuries, wishes to honor it again and also to provide for the spiritual good of the many pilgrims who come to it. The dispositive section of the *motu proprio* is as follows.

I.A cardinal who is resident in Rome and chosen by Us, is assigned as Our legate to the patriarchal basilica of St. Francis in the city of Assisi and, in Our name, exercises ordinary and immediate jurisdiction.

II.The cardinal legate is allowed to delegate the jurisdiction he has to the custodian of the sacred cell annexed to the basilica who thereafter will, in this matter, be the vicar of the cardinal legate, without prejudice to and safeguarding the right of the Minister General of the Order of Friars Minor Conventual who will possess the same power which, however, in the absence of the custodian, he will exercise personally or through another permanently appointed.

Ill The jurisdiction to be exercised in the basilica, the sacred cell as well as in the places immediately adjacent includes especially the faculty to preach the word of God, to assist at marriages, to hear confessions, and the obligation to look to ecclesiastical discipline in accord with the norms of the Apostolic See, especially as regards matters liturgical and the granting of permission to visiting priests to celebrate Mass.

IV. It is the duty of the Father Custodian as vicar to present an annual report to the cardinal legate on the use of the faculties granted and also to make known the marriages celebrated in the basilica both to the bishop of Assisi as well as to other local Ordinaries to whose authority the contracting parties are subject.

All that has been herein set down We wish always to be ratified and firm, all things to the contrary notwithstanding.

Given at Rome, at St. Peter's, the 8th day of August, 1969, the seventh of Our pontificate.

AAS 61-553, Paul VI.Afotu *proprio,* 8 Aug., 1969.

Australia, New Zealand and Oceania: Apostolic delegation reconstituted dividing this area into two apostolic delegations: 1) Australia and Papua-New Guinea; 2) New Zealand and Pacific Ocean; Paul VI, apostolic letter, 1 Nov., 1968 (AAS 61-158 and 159).

Dress, Titles, Coats-of-arms: Instruction on. *See c.* 230; Sec. St., 31 Mar., 1969.

CANON 267

Apostolic Legates in Mission Countries: Faculties (S. C. Gent. Evang., 1971) Private.

Following is the latest (1971) "list of faculties given to nuncios, pro-nuncios, and apostolic delegates in mission territories."[1]

1. To permit entrance into the seminary on the part of illegitimate sons as well as to dispense those who are to be promoted to sacred orders from the irregularity arising from defect of birth mentioned in canon 984, n. 1, *C.I.C.;* sacrilegious sons are excepted.

2. To permit the instruction of processes regarding sacramental, nonconsumated marriage. The acts of the processes, however, will have to be sent to this Sacred Congregation which will take care to hand them over to the competent department.

3. To permit that for binated and trinated Masses celebrated in his territory the Ordinary may accept stipends which must be spent for the benefit of the seminary or mission works.

4. To visit, either personally or through an ecclesiastic, the persons, places and things mentioned in canons 344, 512 and 1382 C./.C., but only in particular instances and not by way of a general visitation, and provided that the visitation itself seems necessary and urgent, that the Ordinary is impeded or negligent, and that there is not time to have recourse to the I loly Sec.

5. To absolve, both in the forum of conscience and also in the external forum and with observance of the requirements of law for the various cases, from all censures which arc reserved by law to the Holy Sec in cither a simple or a special manner, or are likewise reserved by law to the Ordinary.

6. To grant, by reason of poverty, to those who have failed to apply manual or founded Masses, permission to fulfill gradually in the future these past obligations by celebrating, cither personally or through another, a certain number of Masses which arc to be

]Cp. *Canon Law Digest,* 5, pp. 293-305.

equitably determined as regards the number, by the person granting the permission, or, in occult cases, by the confessor.

The persons guilty of the above-mentioned omissions, however, should be informed that if they should happen to die piously in the Lord before they have fully satisfied the said Mass obligations and without leaving any sum of money to fulfill the obligations either in whole or in some degree, the Mass obligations remaining to be fulfilled are to be considered as condoned and His Holiness will supply the deficiency out of the treasury of the Church.

Likewise to grant, if in a given case owing to altogether special circumstances it seems expedient in the Lord, a reduction, as regards the past, of Masses down to a certain number within the capacity of the petitioner, provided that there is no question of habitual offenders. In this case also His Holiness will supply the deficiency of remaining Masses out of the treasury of the Church.

7. To remit or to condone, "for the forum of conscience only," to delinquents who are poor some part of the goods wrongfully taken or retained by them when it is uncertain who the owners are and when the cases are occult. In such wise, however, that the residuum, if any, or some other sum or part which shall be determined according to the capacity of the delinquent, is to be distributed to the poor of the place or, if possible, to the pious works of that same place.

8. To receive or to delegate in individual cases a qualified ecclesiastic to receive reports of the crime of solicitation, observing in all respects the form and tenor of the instruction which will have to be given in those cases by the Sacred Congregation for the Doctrine of the Faith.

9. To extend for a short time faculties and induits which have been granted by the Holy See and which have expired without a timely petition for their renewal having been sent to the Holy See. However, the obligation is imposed of having inmediate recourse to the said Holy Sec for the favor or (if the petition has already been sent) to obtain an answer.

10. When a diocese is vacant and when the vicar capitular or apostolic administrator of the same so requests, to grant him, as often as the matter urges and for individual cases, the faculties which fall within the ordinary power of the bishop.

11. To permit that episcopal ordination, for a reasonable cause, may be had outside the established days (canon 1006).

12. To permit that a man may be ordained bishop and take pos-

session of his diocese before arrival of the apostolic letter with papal seal.

13. To grant that a metropolitan can place acts of metropolitan jurisdiction and of episcopal order before imposition of the sacred pallium.

14.As often as there is urgent necessity, evident utility, and danger in delay, to permit to the individuals concerned in accordance with canons 534, §1 and 15 32, §1, n. 2, C./.C., to alienate, pledge, mortgage, rent out, or perpetually lease2 ecclesiastical property up to twice the sum of money which the national or regional episcopal conference has proposed and which the Apostolic Sec has approved. Within a year the competent S. Congregation should be instructed about the alienation transacted.

15.To impart three times a year and not in the same place, on days chosen by himself, the papal blessing according to the prescribed formula together with a plenary indulgence to be gained by those who, having gone to confession and received Holy Communion and reciting for the intention of the Supreme Pontiff one *Our Father* and *Hail Mary* or any other prayer whatever in keeping with their piety, shall have received the said blessing.

16.To grant a partial indulgence to all of the faithful who are present at sacred functions he performs.

17.To erect pious sodalities of the Rosary, of Our Lady of Mt. Carmel, and of the Seven Sorrows, together with the power to communicate this kind of faculty to ecclesiastics according to his prudent judgment. There is the stipulation and condition, however, that this faculty is not to be exercised where there are monasteries of religious who, in virtue of apostolic grant, enjoy privileges of that kind.

Likewise, to grant to ecclesiastics, with the same stipulation and condition, the faculty to bless the scapulars of the aforesaid sodalities.

18.To depute simple priests for the administration of the sacrament of confirmation in those regions in which, because of extraordinary circumstances of things and persons, the common law cannot be observed, but the prescriptions of canons 781. §1; 782, §4; and 784 *C.I.C.,* must be observed. The deputation should be set for some time.

19.To consecrate churches and to bless bells on condition, however, that the local Ordinary has been informed and makes no objection.

2See *Canon Law Digest,* 1, pp. 732-7 33, note; 6, p. 375. note.

20. To take cognizance, in extraordinary cases and in urgent necessity, of matters concerning the condition of any house of any religious institute, taking counsel with superiors and cooperating with them to provide appropriate remedies for abuses and to lead the religious back to the perfection of their state. He should, however, inform the Holy Sec as soon as possible if any new regulation seems to be called for in the interest of cloistered communities.

21. To permit transfer to another religious institute but with observance of the requirements of law (canon 632).

22. Io grant, with the consent of the interested superiors, a temporary induit to remain outside the cloister, that is, an induit of cxclaustration, to members of institutes of pontifical law (can. 638) but not beyond three years.

23. Io grant to members of a clerical, exempt religious institute a dispensation from the general laws of the Church which have been reserved to the Roman Pontiff by the apostolic letter, *De Episcoporum muneribus,* IX, η. 4,3 issued *motu proprio,* on 15 June, 1966.

REMARKS

I. Likewise granted to the nuncio, pro-nuncio and apostolic delegate arc all the faculties contained in the *motu proprio* apostolic letter, *Pastorale munus,4* as well as in the Decennial Faculties of the Sacred Congregation for the Evangelization of Nations or for the Propagation of the Faith.5

II. All faculties are given to the nuncio, pro-nuncio and apostolic delegate for the duration of his function and with the power to subdclcgate them to the highest official of the pontifical mission whenever the nuncio, pro-nuncio, and apostolic delegate is, for any reason whatever, absent from his sec.

The subdelcgation, however, docs not extend to faculties whose exercise requires the episcopal character.

III. The chargé d'affaires who presides over the nunciature and apostolic delegation during its vacancy, can use the faculties given to the nuncio, pro-nuncio and apostolic delegate with the exception of those whose exercise requires the episcopal character and only if the matter is urgent. I M *

3 Reported in *Canon Law Digest,* 6, p. 398.
4 Reported in *Canon Lazu Digest,* 6, pp. 370-378.
s Reported above in this volume under canon 66

IV. Induits which the pontifical official can grant for a time, arc not to be granted beyond a five-year period.

V. The pontifical official can use the faculties recounted in this list only upon reception of an apostolic letter in the form of a brief.

♦ ♦ ♦

FACULTIES

for the Nuncio, Pro-Nuncio, or Apostolic Delegate Himself

1. The chapel of the stable residence of the nuncio and apostolic delegate, in virtue of an induit from the Supreme Pontiff, must be considered as semi-public.

2. To administer the sacrament of confirmation in the total territory assigned to him as well as during a sea trip to and from the place of his mission.

3. To recite the Divine Office and to celebrate Mass according to the Roman calendar for the clergy of Rome; to grant the same to the priests living with and subject to him.

(Private); S. C. Gent. Evang., faculties, 1971; reported in *Btbliog. Miss.,* 35 (1971), 198-201 -.*Coni, pro Rel„* 52 (1971 >,274-277.

Canada: Ambassador to, from Holy Sec: Paul VI, allocution (in English) to first papal ambassador to Canada, 23 April, 1970 (AAS 62-293).

Apostolic nunciature established.· Paul VI, ap. letter. 16 Oct., 1969 (/\AS 62-96).

CANON 271

Dress, Titles, Coasts-of-arms: Instruction on. *See* c.230; Sec. St., 31 Mar.. 1969.

CANON 292

Episcopal Conferences: Conflicting Provisions (Com. Vat. II Interp., 5 Feb., 1968) AAS 60-361.

Question. Whether after the conciliar decree *Christus Dominus,1* of 28 October, 1965, and the *motu proprio, Ecclesiae Sanctae,'* of 6

*Sce *Canon Law Digest,* 6, pp. 2 34-2 35.
'*See Canon Law Digest,* 6. p. 283.

August, 1966, which contain legislation regarding episcopal conferences, the norms which were set down regarding "interim" national or territorial bodies of bishops by the constitution, *Sacrosanctum Concilium,*[3] of 4 December, 1963, the *motu proprio, Sacram Liturgiam,*[4] of 25 January, 1964, and the instruction, *Inter oecumenici,*[5] of 26 September, 1964, are still in force.

Reply. *In the negative.*

His Holiness, Pope Paul VI, in the audience to the undersigned on 5 February, 1968, confirmed and approved this decision and ordered that it be published.

P. Card. Felici, President.

AAS 60-361; Com. Vat. II Interp. Reply, 5 Feb., 1968. Annotations in *Monit. Eccles.,* 94 (1969), 191 (Carbone).

Letter to Presidents of Episcopal Conferences (Pres. Cone. Com. Lit., 2 June, 1968) Private.

The publication of the new Eucharistic prayers for the Roman liturgy – truly a new song which the Holy Spirit places on the lips of the Church in prayer – gives me the occasion to establish my first contact with Your Excellency in my capacity as president of the Commission and, through you, with all the pastors, clergy, religious, and faithful of your country and especially with those who are devoting themselves heart and soul to promoting an intelligent liturgical renewal, well-ordered and dynamic, in the spirit of the Council and of the documents which have since followed.

It gives me pleasure to communicate to you at the same time that the text of the three new anaphoras and of the eight new prefaces appears, some "indications" which can be useful as directives for helping the clergy and the faithful understand the reasons for this innovation, its meaning, the principles which suggest it, the means for effecting a wise and fruitful application of it.

This will permit extending and enhancing the catechesis on the Mass and, in particular, on the Eucharistic prayer which already began at the time of the introduction of the vernacular into this part of the Eucharistic celebration. From the catechetical presentation of

[3] Reported in *Canon Law Digest,* 6, p. 32.
[4] Reported in *Canon Law Digest,* 6, p. 68.
[5] Reported in *Canon Law Digest,* 6, p. 73.

the rich and diverse themes the Church hopes for a more vibrant celebration and a more active participation and, at the same time, a fathoming of the Eucharistic mystery.

This publication of the new Eucharistic prayers also strengthens the wish of the Holy See through a succession of persons to carry on the working out of the conciliar prescription calling for "a general and earnest reform of the liturgy" *(Const, on the Liturgy,* art. 21).

The decision of the Council daily becomes more and more the desire of all. The requests coming from all over the world in response to the investigation launched by the Commission on the results of the liturgical reform and the testimony of delegates from the episcopal conferences to the Synod of Bishops tell of the fervent, effective labor in all countries to inject a new breath "of spirit and of truth" into prayer. They report the satisfaction and, often, the enthusiasm of the faithful who have been turned into live actors and no longer are mutes at the sacred actions and who are more conscious of their vocation and their priesthood.

For all these efforts as well as for the various reports, statistics, and expression of desires, for the good will and encouragement time and time again manifested by the bishops, priests and especially the faithful or by the episcopal conferences, I wish to express to you the liveliest gratitude of the Commission.

Your Excellency will please assure all those who arc working for the liturgical care of souls that the Commission is not insensible to the difficulties which are encountered and which they wish to alleviate in order to give to the liturgy the features of "perpetual youth' in accord with the wish and directives of the Holy Father himself.

The field which has been painstakingly tilled by the experts of the Commission in four years of patient and hidden labor is beginning to bear fruit. The Eucharistic prayers are the most precious of them; they will not be the last of them. Different rites are already under experimentation in various places; let us hope that others will follow in a short time. Thïis the Commission is of a mind to respond to the confidence of the episcopate and to the legitimate expectation of the pastors and the faithful while they continue to labor in the same spirit and with the same methods as in the years past.

It is desirable above all that the reciprocal — and necessary — understanding and collaboration with the hierarchy of each country continue for the promotion of a well-ordered progress adapted to the possibilities of acceptance and to the degree of preparation on the part ot the faithful. It seems that the law of *step-by-step progress*

which the Commission envisaged from the outset of its labors, is still valid.

What is misleading is not a progressive step forward but the succession of experiments insufficiently studied which cannot fit into an organic plan of general reform of the liturgy.

It is for this reason that I wish to repeat the exhortation made at different times by my honored predecessor, Cardinal Lcrcaro, to wait for the rites prepared by the Commission in order to evaluate the opportuneness and usefulness of certain adaptations of these rites.

May the new gift made to the Church be a pledge of these intentions and these desires.

I beg Your Excellency to express to all the members of your episcopal conference my fraternal greetings and my encouragement to continue along the way, so rich in promise, opened up by the Council.

Berno Card. Gut, President

(Private); Pres. Cone. Com. Lit., 2 June, 1968; reported in *Notitiae,* 4 (1968), 146. This letter is followed on pp. 148-155 by a presentation of the "indications" for an easy catechesis on the anaphoras of the Mass.

Episcopal Conferences: Membership (Com. Vat. II Intcrp., 31 Oct., 1970) AAS 62-793.

Question. Whether, in addition to bishops, other persons - priests, religious, lay persons – can also participate in the episcopal conference?

Reply. Since, according to the prescription of the decree on the pastoral office of bishops in the Church, *Christus Dominus,* η. 38,2, episcopal conferences are assemblies of bishops, they arc composed only of bishops and ecclesiastics who are equated with them in law. Other persons – priests, religious and lay persons – can be invited by the episcopal conference in accord with its statutes but only in individual matters and cases and with only a consultive vote.

Our Holy Father, Pope Paul VI, in the audience granted to the undersigned)president) on the 31st of October, 1970, ratified the above decision, approved it, and ordered that it be published.

AAS 62-793, Com. Vat. Π Interp , reply 31 Oct., 1970.

United States: National Conference of Catholic Bishops: Statutes and Bylaws (S. C. Episc., 19 Dee., 1970; N.C.C.B., 15 Nov., 1972) Private.

Note: The N.C.C.B. is a canonical entity operating in accordance with Vatican Council II's *Decree on the Pastoral Office of Bishops.* It was established by the U. S. Hierarchy on 14 Nov., 1966 and is the successor to the annual meetings of the bishops of the United States whose pastoral character was originally approved by Benedict XV on 10 April, 1919. Following is the Holy Sec's approval of the Conference's statutes, after which follow the bylaws which were approved by the necessary majority of the members of the N.C.C.B on 15 November, 1972, a revision of those approved on 24 May, 1971.

Decree. The leaders of the United States of America, who, while preserving the bond of communion with the College of Bishops together with its head, the Roman Pontiff, safeguard the sure charism of truth, have for an already long time assembled their combined forces into a group so that they might in a better and more fruitful way nourish the sheep committed to them by threefold ministry of salvation, namely, by word, by example, and by the sacraments.

Recently, however, in compliance with the exhortation of Vatican Council II, they have given diligent attention to the revision of the statutes of their episcopal conference.

When the said statutes were reported to the Apostolic See in order that they might obtain recognition, the Supreme Pontiff. Pope Paul VI, after having listened to the report of the undersigned Cardinal Prefect of the Sacred Congregation for Bishops, in the audience of the 19th day of the month of December in the year 1970, has ratified the above-mentioned statutes as contained in the accompanying copy and has approved them, by way of experiment, for five years.

All things to the contrary notwithstanding.

Given at Rome, from the offices of the Sacred Congregation for Bishops, the 19th day of December, 1970.

(Private); S. C. Episc., decree, 19 Dec., 1970, Prot. N. 697/41 ; copy kindly sent us by the Most Reverend Secretary of N.C.C.B.

STATUTES

Arride I

The National Conference of Catholic Bishops is an assembly of the Hierarchy of the United States and its territories. The purpose of the Conference is to foster the collegial concern of these bishops for the Church and society both in the United States and throughout the world.

Article 11

a) The *de jure* members of the Conference are:

1) Local Ordinaries (vicars general excluded), Coadjutors and Auxiliaries of any rite who are in the service of the local diocesan Churches in the United States or its territories;

2) Bishops who are performing a special work entrusted to them by the Episcopal Conferencr or by the Holy See in the service of the Church in the United States or its territories.

b) Upon retirement, the above mentioned members, while not considered *de iure* members according to the norms of *Christus Dominus,* retain membership in the Conference. This shall include the right to speak on all issues. The right to vote, however, shall extend to all matters except those which by law arc binding when approved by two-thirds of the membership (cf. Article XIV) and those involving the acceptance of financial obligations (cf. Article XV).

Article HI

Persons enumerated in Article 2 who belong to other episcopal conferences are not eligible for membership in the National Conference of Catholic Bishops.

Article IV

The Conference shall have as elected officers, a President, Vice President, Treasurer and Secretary; it shall function through a Plenary Assembly, an /Xdministrative Committee, an Executive Committee, other standing and *ad hoc* committees deemed necessary by the Conference, and a General Secretariat.

Article V

All members of the Conference have the right to vote in Conference elections. Subject to conditions to be established in the bylaws, all *de iure* members of the Conference are eligible for election to any office provided that they do not already hold an elected office. Occupancy of an elective office shall not make a member ineligible for the office of President.

Article VI

A Plenary Assembly of the Conference is to be held at least once a year. Additional sessions may, with the approval of the Administrative Committee, be convened by the President when such are deemed necessary or opportune. The President of the Conference presides at the Plenary Assemblies. When in session, this Assembly possesses the full authority of the Conference. rMl officers and committees of the Conference, therefore, are answerable to it.

Article VII

In a spirit of collegial concern for the needs of the Church, especially in the United States, all members of the Conference have a responsibility to attend Plenary Assemblies unless impeded for serious reasons.

Article VIII

Non-members of the Conference are permitted to attend a Plenary Assembly as observers with the right to speak provided this meets with the express approval of the Administrative Committee of the Conference.

Article IX

The Apostolic Delegate shall be invited by the President to meet with the general membership during the course of each Plenary Assembly.

Article X

It is the duty of the Administrative Committee to carry on the work of the Conference between Plenary Sessions, to prepare the programs for these sessions, to review actions taken by the Executive Committee and to moderate the work of the General Secretariat of the Conference.

Article XI

It is the duty of the Executive Committee to deal with urgent Conference matters when the Administrative Committee is not in session, to prepare and present for approval by the general membership the actual agenda of the Plenary /Assembly, and to make recommendations to the Administrative Committee and the general membership concerning the issuance of Conference statements.

Article XII

All administrative matters proper to the Conference and its activity shall be coordinated through the N.C.C.B. General Secretariat. The Office of the General Secretary will follow closely the work of the Conference committees and will be responsible for the coordination of their activities and staff. The General Secretariat is also responsible for the preparation and arrangements for meetings of the Administrative Committee and of the general membership and for the maintenance of the Conference files and archives.

Article XIII

Decisions of the Conference are normally devoid of juridical binding force. Nonetheless, when passed by a two-thirds majority of those voting, they should be observed by all members as an expression of collegial co-responsibility.

Article XIV

Decisions of the Conference possessing juridical binding force are only those passed by a two-rhirds majority of the *de iure* membership (cf. Art. Il-a) and clearly called for in general canonical legislation or in special mandates issued by the Holy See either *motu proprio* or at the request of two-thirds of the *de iure* membership.

Article XV

In the determination of diocesan quotas or of special assessments on individual dioceses, only the local Ordinaries (vicars general excluded) shall have a deliberative vote.

Article XVI

Two-thirds of the general membership shall constitute a quorum in the Conference.

Article XVII

The statutes of the National Conference of Catholic Bishops require recognition by the Holy See. Notification and amendments likewise call for similar recognition.

BY LAWS

Chapter 1

OFFICES AND ELECTIONS

1.Offices within the Conference are assigned either by election or Conference rules.

2. All Conference elections are by' written ballot.

3. I he term of office for all elected officials of the Conference is three years except where the Conference rules provide otherwise. Upon completion of a full term, all elected members of the Administrative Committee are ineligible for a period of one year for election to any office which calls for membership on the Administrative Committee (i.e., officers of the Conference, standing committee

chairmen, and regional representatives). They are, however, eligible for election as officers of the Conference; these officers may not succeed themselves, but are eligible for election to higher Conference positions, with ranking determined, for this purpose only, in accordance with the following order: President, Vice President, Treasurer, and Secretary.

4. Elections are to be scheduled so as to provide for a reassignment of approximately one-third of all Conference offices each year.

5. Each year a nominating committee will be elected to recommend candidates for all positions to be filled except the presidency and the vice presidency (cf. Chapter I, #8).

6. One member of the nominating committee will be elected from each designated region by the Conference members who belong to that region. These elected members will then choose from their own number one member to serve as committee chairman (cf. Chapter III, #3-a).

7. The Nominating Committee will select candidates for each office to be filled from the general membership. A list of proposed candidates will then be circulated among the Conference membership prior to the general meeting. Names may be added to the printed list of nominees prepared by the Committee if prior to the meeting a member submits the name of a candidate having the support of at least five members other than himself. Prior to the close of nominations at the general meeting, additional nominations may also be made from the floor in the same manner.

8. The procedure for election of the President and Vice President is as follows. AH members, acting as an *ad hoc* nominating committee, will propose five names (excluding that of the President then serving, cf. Chapter I, #9). The ten receiving the highest number of votes become candidates for the offices of President and Vice President.

The President is to be elected by a simple majority vote, if such a majority is not reached on the first or second ballot, the two candidates receiving the highest number of votes on the second ballot will be the sole candidates on the third and final ballot. The Vice President is elected from among the remaining nine nominees by a majority vote, if such a majority is not reached on the first or second ballot, the two candidates receiving the highest number of votes on the second ballot will be the sole candidates on the third and final ballot. (In the event of ties in these elections, the procedure outlined in Canon 101, 1 win be followed.)

The members of committees which are constituted on a regional basis are nominated and elected by the bishops of the region rather than by the Nominating Committee and the general membership. The members of the Administrative Committee and their alternates who represent the regions will likewise be nominated and elected by the bishops of the respective region.

9. The President, notwithstanding the provision of Chapter I, #3. is ineligible for a period of one year for election to any office. However, in order that his experience might not be lost to the Conference, he becomes *ex officio* an at-large member of the Administrative Committee for a period of one year.

10. The Treasurer of the Conference is elected from an approved slate of nominees prepared by the Nominating Committee of the Conference and added to, as the case may be, by nominations from the general membership.

11. The Secretary of the Conference is elected in the same manner as the Treasurer. However, if the General Secretary of the Conference is a bishop, he will himself serve as Secretary of the Conference.

12. Newly-elected officers begin their terms immediately after the conclusion of the general meeting at which they are elected.

13. If for any cause a member is unable to complete his term of office, the Executive Committee shall appoint a substitute to fill the vacant office until the next meeting of the general membership. At (hat time provision shall be made for the formal election of a candidate to complete the unexpired term.

Chapter II

PLENARY ASSEMBLY

1. Decisions of the Conference normally shall require a simple majority for approval. A two-thirds majority is needed only when called for by general or particular legislation (cf. Statutes, Article XIV) or when a revision of the NCCB statutes or these bylaws is involved.

2. Conference matters shall normally be decided by voice vote. A written ballot, however, may be used in two circumstances: First, when ordered by the Chair; second, when requested by one bishop with the support of at least five other bishops.

3. In the event of a written ballot, ballots are distributed to each member personally at a Plenary Session or, at the direction of the President, they may be distributed and collected by mail outside of the Assembly.

4. Before each Plenary Assembly, a copy of the agenda documentation is to be sent to all Conference members and to the Apostolic Delegate in sufficient time to permit appropriate study.

Following the Assembly, a copy of the meeting proceedings will likewise be sent to all members and to the Apostolic Delegate for transmission to the Holy See.

5. Meetings of the general membership will be conducted in accordance with *Robert's Rules of Order* except where the NCCB statutes and bylaws provide otherwise.

Chapter III

COMMITTEES OF THE CONFERENCE

1. *Administrative Committee*

a) The Administrative Committee of the Conference is composed of the Conference officers, the former President *ex officio* (cf. Chapter I, #9), the elected chairmen of all standing committees of the Conference, the committee chairmen of the United States Catholic Conference, and representatives from each of the twelve regions of the National Conference of Catholic Bishops.

b) The Administrative Committee normally decides matters by voice vote. Vote by written ballot may be called for by the President or by a proper motion made by any' member of the Administrative Committee.

c) Decisions of the Administrative Committee are determined by a simple majority of the members voting. A two-thirds majority is needed, however, in the event that the general membership entrusts this committee with responsibility for final or conclusive action on matters which it has already approved in substance by a two-thirds majority (cf. Statutes, Articles XIII and XIV; Bylaws, Chapter II, #d. iW'

d) The Administrative Committee meets at least twice a year or more frequently if the Conference President considers it necessary.

e) Conference members not belonging to the Administrative Committee may attend its meetings as observers.

f) Minutes of the meetings of the Administrative Committee are to be sent to all Conference members.

g) Two-thirds of he Administrative Committee membership shall constitute a quorum.

h) Meetings will be conducted according to *Robert's Rules of Order* except where the Conference rules dictate otherwise.

2. *Executive Committee*

a) The Executive Committee is composed of the Conference officers and one member of the Administrative Committee elected by his fellow members.

b) The Executive Committee meets at the invitation of the Conference President to carry on business of the Conference between meetings of the Administrative Committee and to fulfill any' other responsibilities which may be committed to it by the same.

3. *Standing and Ad Hoc Committees*

a) Within the Conference, there shall be two types of standing committees. One shall have a chairman elected by the general membership. It will be the responsibility of the chairman to select the committee membership.

The second type will have its members chosen on a regional basis. Each member will be elected only by the bishops who belong to the region to be represented by the candidate unless general legislation requires otherwise. Except in those instances where Conference rules require committees of this type to be chaired by the Conference President, these committees will be headed by a chairman elected by the committee members themselves from their own number.

b) The chairman and members of the *ad hoc* committees of the Conference will be chosen by the Conference President.

c) All committees of the Conference will operate in accordance with the regulations of the *NCCB Committee Handbook.* Amendments to this handbook must be approved by the Administrative Committee of the Conference.

d) The President of the Conference is *ex officio* a member of all committees of the Conference.

Chapter IV

THE GENERAL SECRETARIAT

1. The General Secretariat consists of a General Secretary, an Associate General Secretary and one or more Assistant General Secretaries.

2. The election of the General Secretary is made by a two-thirds vote of all the members of the Administrative Committee upon presentation by the Conference President with the concurrence of the Executive Committee. After an initial term of five years, the General Secretary shall be eligible for re-election in the same manner but on a yearly basis.

3. The Associate General Secretary and any Assistant General Secretaries are appointed according to the needs of the Conference by the General Secretary after consultation with the Executive Committee.

4. All personnel assigned to the National Conference of Catholic Bishops arc subject to the general supervision and direction of the General Secretary.

Chapter V

ADVISORY COUNCIL

There shall be an Advisory Council composed of representative members of the Catholic Church in the United States whose competency shall be to advise the Administrative Committee on matters referred to the Council for consideration by the Committee and the general membership; review and comment on reports of the various committees except in matters reserved by the Administrative Committee and the general membership, and advise the NCCB on matters resulting from the initiative of the Council. It shall be the responsibility of the General Secretary to provide administrative services and supervision to the Advisory Council in the name of the Administrative Committee. Responsibility for the structure and composition of the Council will rest with the Administrative Committee.

Chapter VI

REGIONS

For the purposes of the National Conference of Catholic Bishops, the /Xrchdioccscs and Dioceses of the United States will be grouped into regions as designated by the Administrative Committee.

(Private); NCCB, bylaws, 15 Nov., 1972.

United States Catholic Conference: Bylaws (U.S.C.C., 14 Nov., 1972) Private.

Note: The U.S.C.C. is a civil corporation of the Catholic Bishops of United States, incorporated under the laws of the District of Columbia, assisting the bishops in their service to the Church in the United States by uniting the People of God where voluntary, collective action on a broad intcrdiocesan level is needed. It is related to the National Conference of Catholic Bishops in membership and directive control but is distinct from it in purpose and function. The following bylaws were approved by the necessary majority of the members of U.S.C.C. on 14 Novembre, 1972, a revision of those approved on 24 May, 1971.

BYLAWS

Article 1

NAME

The name of this corporation is the United States Catholic Conference, Incorporated.

Article II

PURPOSES

Section 1. The United States Catholic Conference is a civil agency of the Catholic Bishops of the United States and is a corporation under the nonprofit corporation statutes of the District of Columbia.

Section 2. Its purposes, as enumerated in the Certificate of Corporation on file in the Office of the Superintendent of Corporation of the District of Columbia, are as follows:

"To unify, coordinate, encourage, promote and carry on all Catholic activities in the United States; to organize and conduct religious, charitable and social welfare work at home and abroad; to aid in education; to care for immigrants and generally to enter into and promote by education, publication and direction the objects of its being."

Article III

MEMBERSHIP

Section 1. The following persons are eligible for membership in the United States Catholic Conference provided they do not belong to an episcopal conference of canonical status other than the National Conference of Catholic Bishops:

a) Local Ordinaries (vicars general excluded), Coadjutors and Auxiliaries of any rite who are in the service of the local diocesan Churches in the United States or its territories;

b) Bishops who are performing a special work entrusted to them by the Episcopal Conference or by the Holy See in the service of the Church in the United States or its territories;

c) The above mentioned members, upon retirement, retain membership in the Conference.

Section 2. All members at the time of the adoption of these revised bylaws shall continue as members. New members are admitted by a vote of the general membership at the start of each general meeting.

Article IV

MEETINGS

Section 1. There shall be an annual meeting of the members of the United States Catholic Conference, held at the call of the President, for the election of Trustees and officers and for the transaction of such other business as may be brought before the meeting. The Board of Trustees, as hereinafter provided, shall constitute the Administrative Board.

Section 2. On convening any meeting of the bishops as members of the United States Catholic Conference, the President shall announce and the Secretary shall note in the minutes of the meeting that they arc meeting in their capacity as members of the United States Catholic Conference.

Section 3. The election of members of the Board of Trustees which, as provided in these bylaws, constitutes the Administrative Board and other officers will be by ballot as provided in Article VI.

Section 4. Special meetings of the members of the United States Catholic Conference may be called at any time by the President with the concurrence of the Executive Committee provided that written notice is given to all members at least ten days in advance of the meeting.

Section 5. The members of the United States Catholic Conference at any annual or special meeting may issue policy statements for the instruction of the Administrative Board and the departments and offices of the corporation relative to the implementation of the corporate purposes.

Section 6. At any meeting of the members a majority of all members of the corporation shall constitute a quorum for the transaction of any business.

Section 7. Those members of the corporation who may be serving on its Administrative Board or holding any office thereunder shall retain all prerogatives of members of the corporation.

Section 8. Procedure at meetings of the members and Administrative Board will be governed by *Robert's Rules of Order* in all matters not covered by these bylaws.

Article V

BOARD OF TRUSTEES

The Board of Trustees shall be composed of the members of the Administrative Board and shall be responsible for the management of the affairs of the United States Catholic Conference and the performance of all transactions relating to such affairs and the property of the corporation wherein action by the Board of Trustees is required or appropriate in corporate practice. The officers of the corporation shall hold corresponding offices, c.v *officio,* on the said Board of Trustees.

Article VI

ELECTIONS

Section 1. Nominating Committee: Each year a nominating committee will be elected to recommend candidates for all positions to be filled except the presidency and the vice presidency. One member of the nominating committee will be elected from each designated region by the Conference members who belong to that region. These elected members will then choose from their own number, one member to serve as committee chairman. The nominating committee will select two candidates for each office to be filled. A list of proposed candidates will then be circulated among the Conference

membership prior to the general meeting. Names may be added to the printed list of nominees prepared by the committee if prior to the meeting a member submits the name of a candidate having the support of at least five members other than himself. Prior to the close of nominations at the general meeting, additional nominations may also be made from the floor in the same manner. (If a candidate for the nominating commitec is nominated in either of the latter two ways, however, his nomination need be endorsed by only two members from his region in addition to the member making the nomination.)

The members of the Administrative Board and their alternates who represent the regions will be nominated and elected by the bishops of the respective region rather than the nominating committee and the general membership.

Section 2. Eligibility for Office: Upon completion of an elected term of office, Conference members shall be ineligible for a period of one year for election to any office other than president, vice president, treasurer and secretary. These officers may not succeed themselves, however, but are eligible for election to higher Conference positions with ranking determined in accordance with the above order.

Section 3. Term of Election: The term of office for all elected officials of the Conference is three years. Elections are to be scheduled, however, so as to provide for a reassignment of approximately one-third of all Conference offices each year, as provided in election procedures previously adopted by the Conference.

Section 4. The procedure for election of the President and Vice President is as follows. All members acting as an *ad hoc* nominating committee, will propose five names (excluding that of the President then serving, cf. Article VI, Section 5). The ten receiving the highest number of votes become candidates for the offices of President and Vice President.

The President is to be elected by a simple majority vote. If such a majority is not reached on the first or second ballot, the two candidates receiving the highest number of votes on the second ballot will be the sole candidates on the third and final ballot.

The Vice President is elected from among the remaining nine nominees by a majority vote. If such a majority is not reached on the first or second ballot, the two candidates receiving the highest number of votes on the second ballot will be the sole candidates on the third and final ballot.

Section 5. The President, notwithstanding the provisions of Section 2, is ineligible for a periof of one year for election to any office. However, in order that his experience might not be lost to the Conference, he becomes *ex officio* an at-large member of the Administrative Board for a period of one year.

Section 6. The Treasurer of the Conference, the episcopal chairmen and elected members of the Conference committees (two in each instance) are elected from an approved list of nominees prepared by the nominating committee of the Conference and added to, as the case may be, by nominations from the general membership.

Section 7. The Secretary of the Conference is elected in the same manner as the Treasurer. However, if the General Secretary of the Conference is a bishop, he will himself serve as Secretary of the Conference.

Section 8. If for any cause a member is unable to complete his elected term of office, the Executive Committee shall appoint a substitute to fill the vacant office until the nex meeting of the general membership. At that time provision shall be made for the formal election of a candidate to complete the unexpired term.

Article VII

PRESIDENT

The President shall be the Chairman of the Administrative Board, and shall preside at all meetings of the members of the corporation and of said Board; he shall have, under the control of the Administrative Board, supervision and direction of the corporation's activities.

The President, and in his absence the Vice President, may execute and sign deeds and other instruments affecting real estate, contracts, and other documents on behalf of the corporation. The General Secretary, and in his absence an Associate General Secretary, shall also be authorized to sign contracts and other documents appropriate to the conduct of the corporation's affairs.

Article VIII

VICE PRESIDENT

The Vice President shall perform the duties of the President in his absence and shall have such powers and perform such other duties as may be assigned him by the President or the Administrative Board.

Article IX

SECRETARY

The Secretary shall keep the minutes of meetings of the members of the corporation and of the Administrative Board and shall give notice of the meetings of the members of the United States Catholic Conference and of the Administrative Board and shall attend to such correspondence of the corporation as the President and Administrative Board may direct. He shall be the custodian of the seal of the corporation and shall affix or authorize it to be affixed, to any instrument requiring it.

Article X

TREASURER

Section 1. The Treasurer shall be responsible for all of the funds of the United States Catholic Conference and shall see to it that a certified account is kept of all receipts and disbursements. He will be elected, as hereinbefore provided.

Section 2. The Administrative Board may prescribe rules for the fiscal affairs of the corporation and delegate such control over same to the General Secretary as it shall see fit.

Article XI

GENERAL SECRETARY

The General Secretary shall be charged with general supervision over the affairs of the corporation. In addition, if he is a duly admitted member of the corporation according to the provisions of Article III, he shall serve as Secretary of the corporation. The General Secretary shall be elected for a five-year term by a two-thirds vote of the membership of the Administrative Board upon presentation by the Conference President with the concurrence of the Executive Committee. After the initial term, the General Secretary shall be eligible for re-election in the same manner but on a yearly basis. He may appoint an Associate General Secretary and any Assistant General Secretaries as may be needed. These appointments will not be made without consultation with the Executive Committee of the Conference.

All personnel of the United States Catholic Conference are subject to the general supervision and direction of the General Secretary.

Article XII

ADMINISTRATIVE BOARD

Section 1. Members: The following are members of the Administrative Board: officers of the Conference, chairmen and elected members of the Conference committees, and elected regional representatives. The number of regional members will coincide with the number of regions as provided in Article XV. The immediate past President serves as an ex officio member for one year (cf. Article VI, Section 5).

Section 2. Meetings: The Administrative Board will convene immediately prior to the general meetings of the United States Catholic Conference. In addition there shall be at least two regular meetings of the Administrative Board at appropriate intervals in order to conduct the affairs of the corporation. Special meetings may be called at any time by the President with the concurrence of the Executive Committee provided that written notice is given to all members at least ten days in advance of the meeting. A majority of all members of the Administrative Board shall constitute a quorum. Matters before the Board may be determined by a majority of those members present and voting.

Section 3. Powers of the Administrative Board: It shall be the function of the /Administrative Board to manage the affairs of the corporation subject to these bylaws; to act as the executive agency of the corporation in all matters referred to it at the annual meeting or any special meeting; to prepare the agenda for the general meetings of the corporation; to review proposals submitted to the Board and make recommendations for the general meeting at which they arc to be considered; to approve the annual budget, together with changes in related planning proposals, for submission to the general membership; to conduct the ordinary affairs of the corporation between general meetings; and to perform other functions provided in these bylaws.

Article XIII

COMMITTEES

Section 1. *Executive Committee:*

The Conference shall have an Executive Committee composed of the Conference officers and one member of the Administrative

Board elected by his fellow members. This Executive Committee will meet at the invitation of the Conference President to carry on the business of the Conference between meetings of the Administrative Board and to fulfill any other responsibilities which may be committed to it by the same.

Section 2. *Committee on Research, Plans and Programs:*

X. Purpose: It is the purpose of this Committee to review and evaluate the objectives, plans and programs of the USCC and its various committees. It is also the responsibility of the Committee on Research, Plans and Programs to identify needs for research.

B. *Membership:* This five-member Committee is comprised of the Conference President as Chairman, the immediate past President, the Vice President, the Treasurer and the General Secretary.

Section 3. *Committee on Budget and Finance:*

A. *Purpose:* It is the responsibility of this Committee to review all USCC budget and financial management operations.

B. *Membership:* This five-man Committee is comprised of the Treasurer as Chairman, the General Secretary and three other bishops from the USCC Administrative Board.

Section 4. *Committee on Personnel and Administrative Services:*

A. *Purposes:* This Committee has the responsibility of reviewing policies and operations in such areas as personnel, printing sendees and facilities, and equipment.

B. *Membership:* This three-member Committee is comprised of the Vice President as Chairman, and two other bishops serving on the USCC Administrative Board.

Section 5. *Departmental Committees:*

A. *Purpose:* There shall be a Committee corresponding to each of the departments within the USCC, the division of Health Affairsand the Office of Communications. Each Committee shall have responsibility and authority for reviewing and making recommendations on objectives, plans, programs and policies of the department, division or office for approval by the Administrative Board. It shall also oversee and evaluate the implementation of such programs and policies.

B. *Membership* The Committee will be composed of an episcopal chairman and an equal number of episcopal and non-episcopal members. Total membership on the committees shall be no less than thirteen and no more than twenty-one. Two of the episcopal members will be elected by the membership of the corporation; the remaining episcopal members will be appointed by the chairman of

the Committee after consultation with the elected bishops on the Committee and the General Secretary. The non-cpiscopal members will be drawn from members of the clergy, religious and laity of the Roman Catholic Church in the United States. They will be invited to serve by the chairman of the departmental committee after consultation with the President and the General Secretary. The term of office for all committee members will be three years. No one will be eligible to serve two consecutive terms.

C. Staffing: Staff support for Committees and their respective chairmen will be the responsibility of the Secretary of the Department or the director of the division or office to w'hich the Committee relates.

Article XIV

DEPARTMENTS

Section 1. Number: The USCC shall have such departments as the fulfillment of its appropriately approved objectives requires.

Section 2. Secretaries: Each department of the Conference will be administered by a Secretary within the Office of the General Secretary, according to guidelines established by the Administrative Board. It will be the Secretary's responsibility to direct and coordinate the planning and operational activities of the department as a whole.

Article XV

REGIONS

For purposes of the United States Catholic Conference, the Archdioceses and Dioceses of the United States, its territories and possessions, will be grouped in such regions as arc designated by the Administrative Board.

Article XVI

ASV1S0RY COUNCIL

I here shall be an Advisory Council composed of representative members of the Catholic Church in the United States whose competency shall be to advise the Administrative Board of the USCC on

matters referred to the Council for consideration by the Administrative Board and the general membership; review and comment on reports of the USCC departments except in matters reserved by the Administrative Board and the general membership, and advise the USCC on matters resulting from the initiative of the council. It shall be the responsibility of the General Secretary to provide administrative services and supervision to the Advisory Council in the name of the Administrative Board. Responsibility for the structure and composition of the Advisory Council will rest with the Administrative Board of the corporation.

Article XVII

PROPERTY

The Title and ownership of all real and personal property of the corporation shall be in the name of the corporation and under the direction of the Administrative Board as in these bylaws provided. The transfer of any property shall be as directed by the Administrative Board, either as such, or in its status as the Board of Trustees for the corporation as required by corporate practice in the District of Columbia.

Article XVIII

NONPROFIT CHARACTER

No part of the net earnings of this corporation shall inure to the benefit of any member or individual and no member, officer or employee of this corporation or any other individual shall receive or be lawfully entitled to receive any pecuniary benefit, profit or compensation of any kind therefrom, except reasonable compensation for services rendered in effecting one or more of its corporate purposes, or reimbursement for reasonable expenses incurred in connection therewith.

In event of the liquidation or dissolution of this corporation, the assets remaining after payment of all debts and expenses shall be transmitted to the Catholic Archbishop of Washington, District of Columbia, a corporation sole, in trust, to be used and expended as nearly as possible in the furtherance of the purposes of this corporation.

Article XIX

VOTING BY MAIL

During periods between meetings either of the general membership or (he Administrative Board, the President (Chairman of the Administrative Board), with the consent of the Executive Committee, may submit matters for ballot by mail to members of the corporation or of the Administrative Board, as the case may be, together with a memorandum of explanation thereof, provided, however, that such ballots by mail may not be employed where rights of creditors of the corporation might be involved. All matters submitted should be determined upon replies from at least a majority of the members within the time limit stipulated for reply.

Article XX

OPERATION OF REVISED BYLAWS

These revised bylaws shall take effect on the date of their adoption by members of the United States Catholic Conference as provided in the original bylaws of the said corporation.

Article XXI

SUSPENSION, AMENDMENT AND ALTERATION OF BYLAWS

The revised bylaws may be suspended, altered or amended by a majority vote of the members of the corporation voting in meeting or by mail out of meeting.

(Private): USCC, bylaws, 14 Nov., 1972

Episcopal Commission: Episcopal conference cannot delegate its faculties to. *See* c. 222; Com. Cent., 10 June, 1966.

Episcopal Conferences: Mixed marriages: faculties and duties regard. *See* c.1061 ; Paul VI, *motu proprio,* 31 March, 1970, nn. 7, 9, 10, 12.

Papal legates: relations. *See* c. 265; Paul VI, *motu proprio,* 24 June. 1969, nn. VI-VIII.

Paul VI, allocution to delegates assembled at Rome from all the, of Europe discussing cooperation between episcopal conferences, 25 March, 1971 (AAS 63-292).

Priests' Council: role of, in establishment and supervision of. *See* c. 423; S. C.CIer., 11 April, 1970.

Provisions for manner of address. *See* c. 230; Sec. St., instruction, 31 March, 1969, n. 34.

Seminary training program; particulars to be drawn up by, based on general norms issued by S. C. Inst. Cath., 6 Jan., 1970 (AAS 62-321), Preliminary Notes, nn. 2-7; also sect. I, η. *I. See* c. 1365 for references.

Tourism: role regarding. *See* c. 467; S. C. Cler., 27 March, 1969; 30 April, 1969, part II, 2.

CANON 293

Dress, Titles, Coats-of-arms: Instruction on. *See* c. 230; Sec. St., 31 March, 1969.

Vicar and Prefect Apostolic: Mention of, in eucharistie prayer. *See* c. 2; S. C. Cult. Div., 9 Oct., 1972, nn. I, *d);* IV.

CANON 312

Apostolic Administrator: Mention of, in eucharistie prayer. *See* c. 2; S. C. Cult. Div., 9 Oct., 1972, η. I, c).

Dress, Titles, Coats-of-arms: Instruction on. *See c.* 230; Sec. St., 31 March, 1969.

CANON 319

Abbot and Prelate *Nullius:* Mention of, in eucharistie prayer. *See* c. 2; S. C. Cult. Div., 9 Oct., 1972, nn. I, *e);* IV.

Dress, Titles, Coats-of-arms: Instruction on. *See* c. 230; Sec. St., 31 March, 1969.

CANON 322

Blessing of Abbot and Abbess: Revised rite promulgated. *See* c. 625; S. C. Cult. Div., 9 Nov., 1970.

CANON 328

Papal Household Regulations (Paul VI, 28 March, 1968) AAS 60-305.

MSB

Following is the *motu proprio, Pontificalis domus.*

The pontifical household which developed in the course of the centuries through a long, varied and complex progression of conditions and usages which affected the Supreme Pontiff himself and his

office is a kind of select body marked with unique decorum and usefulness. It has never ceased to exist and is concerned with the Chair of Peter which is at one and the same time the spiritual center of the Catholic Church and the See of the Vicar of Christ on earth.

Moreover, the Supreme Pontiff, both in his capacity as visible head of the Catholic Church and as a temporal ruler of a state which is publicly recognized by the civil governments of other nations, has at all times selected for himself members of the faithful from the ranks of both ecclesiastics and lay persons who were capable and expen men. By their work they would not only worthily carry' our sacred rites – in certain Church circumstances the very solemn ceremonies provide a build-up for them — but would also shoulder manifold assignments which were demanded by the temporal administration of the state.

However, in view of the well-known vicissitudes of recent times, not a few of the services rendered to the pontifical household have lost the function they once had. As a result, they have continued purely as honorary assignments having nothing, really, in common with the reality of present-day life. Besides, since the religious mission of the Roman pontificate daily takes on new forms and dimensions, it turns out that, as We clearly put it when We first conferred with the orders of nobles and patricians, the true state of affairs forces the Apostolic See, even though reluctantly' at times, to separate and select from the institutions and customs handed down to it those which appear to be essential and most important to it. Hence it happens that today not only in the whole Church, especially since the holding of the Second Vatican Ecumenical Council, but even in the whole world a kind of sharpened and concerned sensitivity has sprouted regarding everything which pertains to the preeminence of matters spiritual, to the demands of truth, the value of public discipline, the pursuit of the practical, the investigation of effectiveness, both functional and reasonable, in preference to contrat}' matters which are merely nominal, decorative or ostentatious.

Consequently, it seems to Us appropriate at this time to adjust the make-up of Our pontifical household to the exigencies of these our times and to relate them to the real state of affairs so that as a result it may be perfectly clear that the mission of the Vicar of Christ on earth pertains to the salvation of souls and that as another result it may be proved that the individual areas, both in civil society and in world relations, are matters of concern to the Supreme Pontiff.

Wherefore, We sincerely wish the members of the pontifical house-

hold, both in what pertains to the *chapel,* that is, the assemblage of titled persons who assist at sacred ceremonies performed by the Supreme Pontiff – which pertain to the Supreme Pontiff as head of the Catholic religion — as well as in what pertains to the *family* which is at the service of the said Pontiff in his capacity as head of a society endowed with juridical personality and which is recognized both by nations and international organizations and is possessed of the right to send and receive legates – all these members We wish, as We said, actually to carry out the assignmentsand business either in the area of matters spiritual or in that of matters temporal. In other words, that today a picture and image be given of the ancient, real institutions from which sprang the powers of the papal court which is also in harmony with and is demanded by present-day reality.

In this way, indeed, Our ancient and well-deserving court – which hereafter will be called by its original and illustrious title, *pontifical household* — will continue to shine forth in its own properglory.It will be composed of ecclesiastics and laymen who, in addition to their being gifted with special expertise and authority, will also be outstanding because of noteworthy' deeds which they will have performed to the good of souls and to the praise of God in the areas of Catholic apostolate or letters or science or other professional fields.

Wherefore, after having heard the opinion of Our assistants. We establish and decree the following with regard to the pontifical household.

I

1. §1. The pontifical household is composed of men of the sacred or the lay order and they make up both the chapel group mentioned above and the family, whether ecclesiastical or lay.

§2. First of all, taken as members into the chapel group are men from the various classes of the holy Church, that is, the *People ofGod* We mean bishops, priests, laymen. Then from that number are chosen some men whom the Supreme Pontiff teams with himself to help him in the performance of his very solemn functions. They are also associates *(familiares)* of the Supreme Pontiff.

§3. Some laymen are included in the pontifical family. After the manner of representatives, they diligently perform assignments of a higher and more responsible nature for the Supreme Pontiff whether as head of the Apostolic See or as sovereign of Vatican City State.

Also included in the said family arc ecclesiastics who more closely assist the Supreme Pontiff himself in the discharge of his office and are his associates.

2. Over the pontifical household is the Prefect of the Apostolic Palace whose duties arc: to summon members of the household for the religious or civil ceremonies referred to in n. 4; to determine the ministries of the said members; after consultation with the Secretariat of State, to watch over the carrying out of the ceremonies referred to as well as over all other matters which pertain to their correct performance in accord with the special regulations in n. 5 and the requirements of the various ceremonies.

3. §1. All members of the pontifical household, whether they be ecclesiastics or laymen, are named by the Supreme Pontiff.

§2. The length of term of office for ecclesiastics who arc members of either the pontifical chapel group or of the family, is declared in the prescriptions set forth in the apostolic constitution, *Repmini Ecclesiae universae,*[1] (η. 2, §5) and in other special prescriptions already issued or to be issued. Laymen, however, remain in office for five-year terms.

The Supreme Pontiff can extend the time one remains in office.

§3. When the Apostolic See falls vacant, all ministries of the pontifical household terminate. However, men belonging to the household are to continue to be available, each for his own role, so that the usual business of the household and the various ceremonies which must be carried out in those circumstances may be performed in a correct and orderly manner in accord with the prescriptions issued by the Sacred College of Cardinals.

§4. Absolutely no office in the pontifical household is to be considered hereditary.

4. §1. The ceremonies at which members of the pontifical household attend are either sacred or civil.

§2. Of the sacred ceremonies, some are ordinary but others are solemn (e.g., on occasions when the Supreme Pontiff puts on the insignia of his office, or when public consistories are held, or the Eucharistic sacrifice is celebrated in the presence of the Supreme Pontiff, or the honors of sainthood are decreed for beatified persons).

§3. Civil ceremonies are had in public receptions (e.g., when the Supreme Pontiff admits to his presence kings or heads of state, premiers, ministers of foreign affairs, ambassadors and legates when they present their credentials as accredited ministers to the Apostolic See), as well as in non-public receptions.

[1] See ÆAS 59 (1967), 891 ; complete document reported in *Canon Law Digest,* 6, pp. 324-357.

5.The Prefect of the Apostolic Palace will sec to it that appropriate regulations are drawn up and approved by the Supreme Pontiff in which the program of pontifical ceremonies, both sacred and civil, will be delineated and a description given of the garb to be worn at those ceremonies by ecclesiastics as well as laymen belonging to the chapel group or to the family of the pontifical household.

II

6. §1. In addition to the ecclesiastics incorporated into the pontifical family and described in n. 7, §1, the pontifical chapel group also comprises the following:

– the members of the various orders of the Sacred College of Cardinals;

– the patriarchs, archbishops and bishops or cparchs who assist at the papal throne, whether they be of the Latin or Oriental rites;

– the vice-camcrlengo of the Holy Roman Church;

– the prelate superior of each of the Sacred Congregations, the secretary of the Supreme Tribunal of the Apostolic Signatura, the dean of the Sacred Roman Rota;

– the regent of the Sacred Apostolic Penitentiary;

– the regent of the Apostolic Chancery;

– the presidents of the three Secretariats;

– the president of the Pontifical Commission for Social Communications Media·,

– the abbot of the archabbey of Monte Cassino as well as the abbots general of the Canons Regular and of the sacred monastic Orders;

– the superior general or, in his absence, of the procurator general of mendicant Orders;

– the auditors of the Sacred Roman Rota;

- the voting members of the Supreme Tribunal of the Apostolic Signatura·,

the members of the Chapters of Canons of the three patriarchal basilicas of Rome;

– the advocates of the Sacred Consistory;

– the pastors of Rome;

– the clerics who minister to the Supreme Pontiff when he performs sacred rites (cf. n. 6, §5);

– members of the Council for the Laity or of the pontifical com mission Justice and Peace;

the associates of the Supreme Pontiff.

§2. The honorable persons listed above take part in solemn services which the Supreme Pontiff himself celebrates or which are celebrated in his presence (cf. n. 4, §2). Each person takes his proper place in accord with the law of precedence which is to be spelled out in special regulations.

§3. When the Supreme Pontiff solemnly approaches the altar accompanied by the honorable persons according to the order of precedence set down in §2, the bodies of men mentioned above in the plural send only two members as representatives except that pastors of Rome may take part in the said procession in larger numbers.

§4. Hereafter the following positions of honor will be removed from the pontifical chapel group both as regards function and title: Palatine Cardinals, Prelates of the Fiocchetto, Princes Assistant at the Throne, Majordomo of His Holiness, Minister of Internal Affairs, the Grand Knight-Commander of the Holy Spirit, Magistrate of Rome, Master of the Sacred Hospice, Honorary Chamberlains, Privy Chaplains and Honorary Privy Chaplains, Privy Clerics, Confessor of the Pontifical Family, candle-bearing Acolytes, Ordinary Chaplains, Master Porters of the "Virga Rubea," Custodian of the Papal Tiara, Mace-bearers, Apostolic Couriers.

§5. Under the direction of the papal masters of ceremonies, it is the office of clerics who minister to the Supreme Pontiff when he performs sacred services to assist him at the altar. Besides those who are here and now clerics of the pontifical chapel group, those men can also be added to their number who to this date have rendered service in the groups which are now suppressed, namely, the privy chaplains and the honorary privy chaplain, the privy clerics, the candle-bearing acolytes, the ordinary chaplains, the master porters of the Virga Rubca.

in

7. The pontifical family is composed of men chosen from the ranks of ecclesiastics and laymen.

§1. The ecclesiastical pontifical family is composed of the following men:

- the Substitute Secretary of State and the Secretary of the Cipher of the Supreme Pontiff;

- the secretary of the Sacred Council for the Public Affairs of the Church;

– the almoner of His Holiness;
– the vicar general of His Holiness for Vatican City (cf. n. 7, §5);
– the president of the Pontifical Ecclesiastical Academy;
– the theologian of the pontifical household (cf, n. 7, §4);
– the secretary of Briefs of the Supreme Pontiff to Princes;
– the secretary of Latin Letters of the Supreme Pontiff;
– the protonotarics apostolic;
– the prelates of the Pontifical Antechamber (cf. n. 7, §11);
– the master of pontifical ceremonies;
– the honorary prelates of His Holiness (cf. n. 7, §6);
– the chaplains of His Holiness (cf. n. 7, §6);
– the sacred preacher of the pontifical household.

§2. The lay pontifical family comprises:
– the assistants to the throne;
– the special delegate of the Pontifical Commission for Vatican City State;
– the counsellor general of Vatican City State;
– the commander of the Guard of Honor of the Supreme Pontiff (cf. n. 9);
– the commander of the Pontifical Swiss Guards;
– the commander of the Palatine Guard of Honor;
– the commander of the Pontifical Gendarmes;
– the consultors of Vatican City State;
– the president of the Pontifical Academy of Sciences;
– the gentlemen-in-waiting of His Holiness (cf. n. 7, § 7);
– the procurators of the Sacred Apostolic Palace;
– the attachés of the Pontifical Antechamber (cf. n. 7, §7);
– the associates of the Supreme Pontiff.

§3. Therefore, abolished from the pontifical family arc the offices and titles which heretofore pertained to: Palatine Cardinals, Palatine Prelates (that is, Majordomo of His Holiness, Master of the Pontifical Privy Chamber, Auditor of His Holiness, the Pope), Master of the Sacred Hospice, Superintendent of Pontifical Household Furnishings, Riding Master, Superintendent of the Post Office, Bearers of the Golden Rose, Secretary for Embassies, Colonel of the Pontifical Noble Guard, Honorary Chamberlains, Honorary Chamberlains *extra Urbem,* Privy Chaplains, Honorary Privy Chaplains, Honorary Privy Chaplains *extra Urbem,* Privy Clerics, Ordinary Chaplains, Confessor of the Pontifical Household, Privy Steward.

§4. I he Master ot the Sacred Apostolic Palace retains his office but will be called the Theologian of the Pontifical Household.

§5. The title, Participant Privy Chamberlain, is abolished. However, as regards the functions of those who heretofore held this title, these provisions are established: the privy almoner and the apostolic sacristan continue in office but the former will be called the Almoner of His Holiness and the latter the Vicar General of His Holiness for Vatican City. The Secretary of Letters to Princes and the Secretary of Latin Letters mentioned in n. 134 of the apostolic constitution, *Regimini Ecclesiae universae,*[2] retain both the office and title proper to them. Furthermore, the titles, Cupbearer, Secretary for Embassies, and Wardrobe Master are abolished; the service which they previously rendered in the pontifical antechamber will be performed by the two prelates assigned to the pontifical antechamber who are mentioned in n. 7, §11. Similarly, the title and office of Sub-Datary is abolished.

§6. Domestic Prelates and Supernumerary Privy Chamberlains continue to belong to both the pontifical family and the pontifical chapel group. However, in accord with the prescription of n. 8, the first category will be called Honorary Prelates of His Holiness, and the second category, Chaplains of His Holiness.

§7. The following remain in office but with a change of name: both the Privy and the Honorary Chamberlains of the Cape and Sword will be called Gentlemen-in-waiting to the Supreme Pontiff; the Bearers of the Chair will be known as Attaches of the Pontifical Antechamber.

§8. The laymen who are members of the pontifical family do not attend a pontifical procession or sacred ceremonies of the chapel although they have a special place assigned them during sacred rites performed by the Supreme Pontiff.

§9. The Assistants to the Throne are at the service of the Prefect of the Apostolic Palace. It is their task to render due service to the guests of the Supreme Pontiff at the more solemn non-religious ceremonies referred to in n. 4, §3, and to provide special care that the various ministries which pertain to the Lay Pontifical Family are duly carried out.

§10. The Prefect of the Apostolic Palace on the occasion of more solemn civil ceremonies can entrust special ministries to the Consultors of Vatican City State.

§11. The two prelates attached to the pontifical antechamber daily render service in the pontifical antechamber and are nominated by the Supreme Pontiff. When the Apostolic See falls vacant, their office is terminated.

[2] VIS 59 (1967), 927; see footnote 1 above.

8. Hereafter there will be only three classes of honorary ecclesiastical titles, namely, Protonotaries Apostolic (numerary and supernumerary), Honorary Prelates of His Holiness, and Chaplains of His Holiness. All other classes arc abolished.

9. The Pontifical Noble Guards will be called Guards of Honor of the Supreme Pontiff. Hereafter, they will perform honorary sen-ices at the public and civil ceremonies referred to in n. 4, §3 in accord with special regulations to be issued by the Prefect of the Apostolic Palace. The number of guards, their nomination and their schedule of services to be performed arc to be revised appropriately and set down in the regulations proper to this Guard.

10. Services of honor and ministries of public discipline in the pontifical household arc entrusted to the following pontifical guards: the Swiss Guards, the Palatine Guards of Honor, the Pontifical Gendarmes. They observe their own appropriately revised regulations.

11. As need may be, there is also a body of attachés who perform services of honor and ministries of public discipline at the various religious and civil ceremonies of the pontifical household. Three attaches are nominated for a term of five years by the Prefect of the Apostolic Palace whose task it will be to assign them their special functions.

All that We have decreed in this *motu proprio* letter, We order to be confirmed and approved, everything to the contrary notwithstanding.

Given at Rome, at St. Peter's the 28th day of March, 1968, the fifth of Our pontificate.

AAS 60-305; Paul VI. Aiotu *proprio,* 28 Mar., 1968.

Papal Military Corps: Except for the Swiss Guard, all other bodies of papal guards disbanded by Pope Paul VI in letter to Papal Secretary of State, 14 Sept., 1970 (AAS 62-587).

CANON 329

Synod of Bishops: Revised Order of its Celebration (S. C. Publ. Eccl. Neg., 24 June, 1969) AAS 61-525.

The Sacred Council for Public Affairs of the Church issued the following *Rescript from Audience.*

In order that tbe suggestions and wishes of the episcopal conferences regarding a better ordering of the meetings of the Synod of Bishops may be followed up and obtain consideration, the Supreme Pontiff gave an assignment to a special commission to review the 'Ordinem Synodi celebrandae" issued on 8 December, 1966,[1] *and to revise it with appropriate additional norms. The Holy Father has now deigned to ratify the conclusions of this commission and has ordered that tbe present "Ordinem Synodi Episcoporum celebrandi recognitum et actum" be published and religiously observed by all concerned.*

Given at Rome, the 24th day of June, 1969.

ORDER OF THE CELEBRATION OF THE SYNOD OF BISHOPS

PART ONE

THE SUPREME AUTHORITY AND THE PERSONS TAKING PART IN THE SYNOD OF BISHOPS

Chapter I. The Supreme Pontiff

Art. 1. *The Power of the Supreme Pontiff*

It pertains to the Supreme Pontiff exclusively.

1 to convoke the Synod of Bishops whenever he sees fit, and to designate the place where the meetings are to be held;

2° to confirm the election of members;

3° to determine the matter of the questions to be discussed;

4° to decree that the matter of the subjects to be treated be sent to the persons who arc to be present at the discussion of the questions;

5° to fix the order of the agenda;

6 to preside at the synod in person or through others;

7 to transfer, suspend and dissolve the synod and to deliberate on its opinions.

[1] Reported in *Canon Law Digest,* 6, pp. 400-411.

Chapter II. The Delegated Chairman

Art. 2. *The Appointment of the Delegated Chairman*

§1. The delegated chairman presides over the Synod of Bishops in the name and by the authority of the Supreme Pontiff.

§2. The delegated chairman is appointed by the Supreme Pontiff and his office ceases after the conclusion of the meeting for which he was appointed.

§3. If the Supreme Pontiff deputed more than one to preside at a meeting, they arc to perform the office in succession, in the order determined by the Supreme Pontiff himself.

Art. 3. *The Function of the Delegated Chairman*

1° To direct the work of the Synod according to the faculties given to him in the letter of delegation, following the order fixed for the agenda and observing the norms of procedure which are prescribed in this order.

2° To assign to certain members, when it seems appropriate, some special functions in order to enable the meeting to do its work more effectively.

3 to sign the acts or records of the meeting. If there arc more than one delegated chairmen, all are to sign the acts at the close of the meeting.

Chapter Hl. The Meetings of the Synod

Art. 4. *The Various Meetings of the Synod*

The Synod of Bishops comes together:

1 as a general assembly, if the subjects to be treated, considering their nature and importance, make it advisable to consult the doctrine, the prudence and the wishes of the bishops of the whole Catholic world; ■

2° as a special assembly, if matters of high importance concern t c ssc are of the Church, especially in one or more particular regions.

Chapter IV. The Members or Participants

Art. 5. *The Persons Who Take Part in the Synod*

§1. The following persons attend a general assembly of the Synod:

1 *a)* the patriarchs, the major archbishops and metropolitans outside the patriarchates of the Catholic Churches of the Oriental rite;

b) the bishops elected by each of the national episcopal conferences as provided in art. 6, §1, 3°;

c) the bishops elected by the episcopal conferences of several countries, that is, those that have no conference of their own, according to art, 6, §1,4°;

d) ten religious men representing clerical religious institutes and elected by the Union of Superiors General;

2 those cardinals who are at the head of the various departments of the Roman Curia.

§2. The following persons attend an extraordinary assembly.

1° *a)* the patriarchs, major archbishops and metropolitans outside the patriarchates of the Catholic Churches of the Oriental rite;

b) the presidents of the national conferences of bishops;

c) the presidents of the episcopal conferences of several nations constituted for nations that have no conference of their own;

d) three religious men representing clerical religious institutes and elected by the Union of Superiors General.

2 the cardinals who are at the head of the departments of the Roman Curia.

§3. 1 A special assembly is attended by the patriarchs, major archbishops and metropolitans outside the patriarchates of the Catholic Churches of the Oriental rite; also by the representatives of the episcopal conferences as stated in this article §1, in art. 6, §1, 4° and as to the number of religious, in art. 6, §2, 4°. But all these must belong to the regions for which the Synod has been convoked.

2 I he cardinals who arc at the head of the departments of the Roman Curia which have a relation to the matters to be treated also attend a special assembly.

§4. All the sessions arc attended also by the members elected by the Supreme Pontiff in accordance with n.X of the apostolic letter, *Apostolica sollicitudo,* of 15 September, 1965.2

2Reported in *Canon Law Digest,* 6, pp. 388-393.

Art. 6. *The Members Who Are to be Elected*

§1. 1 The bishops deputed by the episcopal conferences of one or more nations are those who have been elected by secret ballot in a plenary session of their respective conferences.

2° These elections shall be conducted according to canon 101, §1,1 of the code of canon law. If more than one are to be elected, there should be a separate ballot for each election, so that no second one shall be elected until the preceding one has been elected.

3 The bishops who represent each of the national conferences are elected in the following manner:

a) One for each national episcopal conference that has not more than 25 members·,

b) Two for each national episcopal conference that has not more than 50 members;

c) Three for each national episcopal conference that has not more than 100 members;

if) Four for each national episcopal conference that has more than 100 members.

4 The episcopal conferences that are common to several nations elect their representatives according to the same rules.

5 In electing bishops particular attention should be paid not only to their knowledge and prudence in general but also to their theoretical and practical acquaintance with the matter to be treated in the Synod.

6 The presidents of the episcopal conferences shall communicate the names of the persons elected, to the Secretary General through the legate of the Supreme Pontiff in his country, and this is to be done at least two months before the opening of the meeting.

§2. 1 The election of the religious men mentioned in article 5 of this order is to be done, making due allowances, according to §1, 2 of this present article.

2 In the election of the religious, particular account should be taken not only of their learning and prudence in general but also of their theoretical and practical acquaintance with the matters to be treated in the Synod.

3 I he president of the Union of Superiors General shall communicate the names of the persons elected, to the Secretary General at least two months before the opening of the meeting of the Synod.

4 I he religious members, not more than two, to represent religious institutes in a special synodal assembly, will be elected by the Union of Superiors General from among learned men who arc familiar both with the matter to be treated and with the regions for which the assembly is convoked, even though they be not from those regions.

§3. The names of the bishops and religious who have been elected are not to be made public until the Supreme Pontiff has ratified their election.

Art. 7. *The Certificate of Deputation to be Presented*

At the beginning of every meeting of the Synod the elected members must present to the Supreme Pontiff through the Secretary General the authentic document of his deputation, signed by the president and secretary of his own conference, or in the case of religious by the president and secretary of the Union of Superiors General.

Chapter V. Study Commissions

Art. 8. *Establishment of Study Commissions*

§1. 1° If a subject dealt with in the Synod needs further study, it pertains to the delegated chairman, with the consent of the Supreme Pontiff, to appoint special study commissions from among the members.

2 Consequently, each commission is simply to study whether the revised text of the argument is better or whether it solves the proposed difficulty.

§2. Unless other provision is made by the Supreme Pontiff, each commission is composed of twelve members who are experts in the matter; of these, eight are elected by the assembly and four are appointed by the Supreme Pontiff.

Art. 9. *Election of Members of Study Commissions*

1 Elections of members of study commissions shall be conducted according to canon 101, §1, 1° of the code of canon law.

2 Prom those elected or appointed the Supreme Pontiff chooses the chairman.

3 Any one of the Fathers can be elected as a member of each commission with the exception of the delegated chairman, the Secretary General, and the reporter for the subject for which the commission is being set up.

4 I he secretary of the commission will be one of its members elected by the said members.

5° The special secretary who was present at the discussion of the subject for which the commission was constituted, shall attend the study commissions.

Chapter VI. A Commission of Complaints

Art. 10. *Appointment and Functions of the Commission of Complaints*

At the beginning of every assembly the Supreme Pontiff appoints a commission of three members to examine complaints that may be made and to refer them to him.

Chapter VII. The Permanent or General Secretary

Art. 11. *Appointment of the Secretary General*

The permanent secretary or secretary general is appointed by the Supreme Pontiff at his pleasure *{ad nutum).*

Art. 12. *Functions of the Secretary General*

§1. It belongs to the secretary general to fulfill the orders or mandates of the Supreme Pontiff and to communicate to him everything that concerns the Synod of Bishops.

§2. The secretary general takes part in the meetings of the Synod, directs the general secretariat and signs its records.

§3. It also pertains to the secretary general:

1° to send, upon orders from the Supreme Pontiff, the letter of convocation and the schedule of agenda for each meeting of the Synod of Bishops, as well as all documents, instructions and notices pertaining to the meeting.

2° to communicate to all interested parties the names of the members or participants who have been freely designated by the Supreme Pontiff according to the apostolic letter, *Apostolica sollicitudo,* of 15 September, 1965; and also to report the appointment by the Supreme Pontiff of the special secretary of each meeting.

3See footnote 2.

3° to prepare the order of each meeting, submitting to the Supreme Pontiff the subject to be treated and a list of the members, which require confirmation.

4° to send the minutes of every meeting to the cardinal prefects of the departments of the Roman Curia, to the patriarchs, major archbishops and metropolitans outside the patriarchates of the Catholic Churches of the Oriental rite, to the presidents of episcopal conferences and to the president of the Union of Superiors General.

5° to carry out the orders that may be given him by the Synod.

6' to collect, arrange and preserve records and documents.

Art. 13. *Assistants to the Secretary General*

§1. Assistants to the secretary general are appointed, with the approval of the Supreme Pontiff, by the secretary general and they are dependent on him.

§2. These assistants arc chosen from among well-qualified ecclesiastics of learning and prudence.

§3. If necessary, experts in technical matters may be appointed by the secretary general with the approval of the Supreme Pontiff.

Chapter VIII. The Special Secretary'

Art. 14. *Appointment of the Special Secretary*

§1. A special secretary is appointed by the Supreme Pontiff for every meeting in which a subject is treated in which the appointee is especially competent.

§2. If various subjects arc treated in the meeting, a special secretary is chosen for each subject.

§3. If need be, assistants to the special secretary are appointed by the Supreme Pontiff.

§4. When the meeting is finished, the office of the special secretary comes to an end.

Art. 15. *The Functions of the Special Secretary*

§1. The special secretary is at the service of the delegated chairman, the assembly itself and the secretary general, to prepare documents and reports; to give explanations and notices to anyone who may ask for them; and to draw up the record.

§2. In the discussion of a subject each Father has the right, with the consent of the delegated chairman and in the order established by him, to request explanations and information either from the reporter or, of course, from the special secretary.

Chapter IX. Publication of Information Regarding the Synod

Art. 16. *The Board for Publication of Information Regarding the Synod*

§1. For giving out information on the meetings and activity of the Synod, a special board is set up composed of the secretary general, the president of the Pontifical Commission on Social Communications, two synodal Fathers designated by the delegated chairman, and a special secretary.

§2. The secretary of the Synod will be the official who is the Director of the Printing Office of the Holy See.

§3. With the approval of the delegated chairman, the board is competent to decide the items and manner of publication of information.

§4. At intervals, interviews with the press on each subject will be had by synodal Fathers designated by the delegated chairman.

PART TWO

GENERAL NORMS

Chapter I. Convocation of the Synod of Bishops

Art. 17. *The Manner of Convoking the Synod*

§1. The Synod of Bishops is convoked by the Supreme Pontifiât a time and in the manner which he deems proper.

§2. It is the part of the president to announce the date of the next meeting and the matter which is to be dealt with according to the predetermined order. 4 V3 N

§3. Notice to individuals is given only when the president deems it necessary.

§4. If it should happen that the Supreme Pontiff departs this life after the convocation of a meeting of the Synod or during its celebration, the meeting is by that fact suspended until the new Pontiff has decreed that it is to be resumed or has convoked a new meeting.

Chapter II. The Dress to be Worn

Art. 18. *The Dress to be Worn at the Meetings*

M the meetings, the members to whom it is proper shall wear the *habitus pianus·,* others shall wear their proper public dress.

Chapter III. Precedence

Art. 19. *The Order of Precedence*

§1. In the matter of precedence, the prescription of canon 106, 3 of the code of canon law, and canon 37, 3° of the Oriental code *De Personis* arc to be observed.

§2. If a member happens to sit, or to speak, or do anything else out of his proper order, he acquires no right thereby nor does he prejudice anyone.

Chapter IV. The Obligation of Secrecy

Art. 20. *The Obligation of Secrecy*

Without prejudice to art. 16, all persons who take part in the Synod are bound to secrecy as regards both the preparatory acts and the work of the meeting itself, especially in what concerns individual opinions and votes, and the decisions and conclusions of the meeting.

Chapter V. The Language to be Used in the Synod

Art. 21. *The Language to be Used in the Meetings and Records*

In the meetings of the Synod and in drawing up the record, the Latin language is to be used.

3Sec footnote 2.

Chapter VI. Collecting and Arranging the Acts and Documents

Art. 22. *The Manner of Collecting arid Arranging the Acts and Documents*

§1. All records and documents arc collected and arranged by the secretary general.

§2. 'fhe subjects which arc to be dealt with in the Synod arc sent six months, if possible, before the meeting begins, so that there will be time to convoke the episcopal conferences in order to ask their opinion.

Chapter VII. Asking the Opinion of the Episcopal Conferences

Art. 23. *The Manner of Asking Their Opinion*

§1. The subjects which the Supreme Pontiff decided in the convocation of the Synod to have discussed, should be studied carefully in advance by each episcopal conference and each group of bishops of the Oriental rite.

§2. Each of the groups of bishops expresses its common opinion in the manner it deems fitting concerning the definition of the matters.

§3. An opinion is also expressed in the meetings by each of the members who have been deputed for the Synod.

Chapter VIII. Voting

Art. 24. *Taking the Vote.*

After the members have expressed their opinion according to art. 23, §3, a vote is taken if the Supreme Pontiff so decides.

Art. 25. *The Formula and Manner of Taking the Vote*

§1. The vote in the Synod is expressed by the formula: *placet, non placet, placet iuxta modum,* if there is question of approving a schema either as a whole or by separate parts. But for approving amendments and modes, and for voting on other matters, the formula is *placet* or *non placet.*

§2 One who votes by the formula *placet iuxta modum* must present his observation *(modum)* clearly and succinctly in writing.

§3. The votes arc expressed on proper ballots unless the chairman prescribes some other method, such as rising or remaining seated, raising or not raising the hand.

Art. 26. *A Majority of Votes*

§1. In order to constitute a majority of votes, if there is question of approving something, two-thirds of the votes cast are required; but if there is question of rejecting something, an absolute majority is sufficient.

§2. I he rule of §1 is observed, whether there is question of recommending a proposal to the Supreme Pontiff or of deciding the matterafter his permission has been obtained.

§3. When a question of procedure arises, it is decided by an absolute majority of the votes cast.

Chapter IX. The Absence of Members

Art. 27. *The Obligation to Give Notice of Absence*

One who cannot be present at a meeting must report the reason for his absence to the chairman through the secretary general.

Chapter X. Dispensation from the Obligation of Residence

Art. 28. *Receiving the Fruits of Benefices*

All persons who are obliged to attend the Synod or who are legitimately employed in it in any capacity arc exempt from the obligation of residence as long as the meeting lasts and they are present at or engaged in it; and they can receive all the income from their benefices and the daily distributions excepting only those that are called *inter praesentes.*

PART THREE

PROCEDURE

Chapter 1. Sacred Rites

Art. 29. *Opening and Closing of the Meeting*

§1. The meeting of the Synod is opened with the celebration of Mass and the solemn singing of the hymn *Veni Creator Spiritus.*

§2. It closes with the celebration of Mass and the solemn singing of the *Te Deuni.*

Chapter II. The "Relatio" or Report

Art. 30. *Preparing the Report*

§1. The report, which is designed to explain, illustrate and penetrate the question to be discussed in the Synod, is prepared by the bishop to whom the Supreme Pontiff assigned this task when the respective meeting was convoked.

§2. The one who makes the report is to have the servicesofa special secretary.

Art. 31. *Communicating the Report*

The text of the report which will afterward be read in the Synod should, at least thirty days before the opening of the meeting, be in the hands of the secretary general, who attends to making copies for the members.

Chapter III. The Taking Possession of His Office by the Delegated Chairman

Art. 32. *Manner of Taking Possession*

When the Synod first convenes, the secretary general, if it seems appropriate, reads the pontifical documents which states the appointment of the delegated chairman·, whereupon he immediately takes possession of his office.

Chapter IV. Procedure in Meetings of the Synod

Art. 33. *Presentation and Illustration of the Subject*

The chairman announces the subject to be discussed and calls upon the reporter who, after his prepared report has been distributed to the Fathers, briefly sets it forth and explains it with the help, If need be, of the special secretary.

Art. 34. *Small Meetings*

After the report has been completed, the chairman, if he judges it opportune, can encourage discussion of the subject in small meetings. In these meetings, which are separated according to language differences, the synodal Fathers should elect a moderator and, after discussion of the subject has been completed, should commission one or other Father to report their opinion in their name to the general session.

Art. 35. *Discussion of the Subject*

§1. 1° Using the index prepared by the secretary general, the chairman calls, in order, upon the members who the day before gave in their names for the purpose of speaking.

2° The Fathers who requested to speak, succeed one another in this order: they first speak in the order of precedence (art. 19) who speak in the name of episcopal conferences; then the others in the same sequence.

3° Those who represent episcopal conferences should speak in the conference's name in accord with the authorization granted them.

4 Only one Father shall speak in the name of a conference on a given subject.

§2. 1 If many have requested leave to speak, the Fathers are asked not to repeat what has already been expounded but should, in a few words, refer to what has been already said.

2° In the same situation it belongs to the delegated chairman, either personally or by a Father deputed by him (art. 3. 2°), to bring together in separate groupings the petitioning Fathers in order to have them reach agreement, while preserving everybody's freedom, that a few should speak in the name of all in accord with the differences of opinion.

§3. 1 All who have requested leaves to speak, even if they have not spoken, shall hand in their remarks in writing to the secretary general.

2 On the other hand, those who do speak should confine their speeches within the span of time determined by the chairman.

Art. 36. *The Replies*

§1. If any member, on hearing the remarks of the speakers, wishes to reply or to propose some objection, he can ask the chairman for permission to do so.

§2. It belongs to the chairman to grant this permission and to fix the day on which the reply is to be made.

§3. On the appointed day, the chairman, following the order of the index composed by the secretary general, calls on the Fathers who asked permission to reply.

§4. If the chairman has not specified the time allowed for the reply, the speakers should make their replies very brief.

§5. The speakers may reply in the name of a number of members, but if they do, they must state in whose name they are speaking.

§6. The replies arc then to be given in writing to the secretary general.

Art. 37. *The Study Commissions*

§1. If it results from the discussion that the subject needs deeper study, the delegated chairman, with the consent of the Supreme Pontiff and in the manner specified by him (cf. art. 8), can set up a special commission to do that work.

§2. Meanwhile the meeting goes on to discuss the next subject.

§3.1 When the study commission presents its conclusions, these are illustrated for the members by a reporter designated by the commission.

2 If the members request it, the chairman can allow a very brief discussion of these conclusions. This discussion is conducted according to art. 35. M|

Art. 38. *The Expression of Opinion*

§1. When the discussion is finished, each of the membersexpresses his views in the opinion mentioned in art. 2 3, §3 by a vote in writing, which is then to be given to the secretary general.

§2. If according to the will of the Supreme Pontiff a counting of the votes is to take place, it is done as provided for in articles 24-26.

Art. 39. *Examination of Observations (Modi)*

§1. The special secretary collects the written observations, arranges them in order, and with the secretary general sees to it that they are printed.

§2. At the appointed time, the members, after having listened to the report, proceed to cast their vote on each observation.

§3. Voting on observations is expressed by the formula: *placet; non placet.*

§4. Observations which have won a majority of the votes are considered approved by' the Fathers.

Chapter V. Report on the Work Accomplished

Art. 40. *The Making of the Report*

When everything is finished, the secretary general, with the help of a special secretary, makes out a report describing the work that was done on the subject or subjects that were discussed and the conclusions that were reached by the members.

Art. 41. *Presentation of the Report to the Supreme Pontiff*

The report mentioned in art. 40 is presented to the Supreme Pontiff by the delegated chairman and the secretary general.

AAS 61-525; S. C. Pub. Eccl. Neg., Revised Order of rhe Svnod of Bishops 24 June, 1969.

De Episcoporum Muneribus: Faculty IX, 6 Interpreted (Com. Vat. II Interp., 19 July, 1970) AAS 62-571.

The Fathers of the Pontifical Commission for the Interpretation of the Decrees of the Second Vatican Council decided to reply to this question proposed in a plenary' session.

Whether the faculty of the bishop to dispense ordinands from defect of age not beyond one year which is mentioned in the apos-

tolic letter, *De Episcoporum muneribus,* of 15 June, 1966, IX, 6,[1] holds also for the ordination of permanent deacons who arc married who are provided for in HI, n. 12 of the apostolic letter, *Sacrum Diaconatus ordinem,*2 of 18 June, 1967?

Reply: *In the affirmative.*

Our Holy Father, Pope Paul VI, in the audience granted to the undersigned on 19 July, 1970, ratified and approved this decision and ordered that it be published.

AAS 62-571; Com. Vat. II Interp., reply II, 19 July, 1970. Annotations in *Com. pro Re!.,* 51 (1970),378 (Gorricho).

Synod of Bishops: Changes in the Revised Order of its Celebration (S. C. Pub. Eccl. Neg., 20 Aug., 1971) AAS 63-702.

The following "rescript from an audience" was issued by Cardinal Villot of the Sacred Council for the Public Affairs of the Church.

Upon receipt of the decision and opinion of the secretary general of the Synod of Bishops, namely, that it is advisable that the "revised and augmented order of the celebration of the Synod of Bishops" which was made part of the public law on 24 June, 1969 (AAS, 61 [1969],525-539),[1] *should be improved by some changes and additions, the Supreme Pontiff approved them and ordered that they be published.*

Together with tbe other parts of the said "order," the Supreme Pontiff has ordered that the following new articles be religiously observed by all interested persons.

Given at Castel Gandolfo, near Rome, the 20th day of August, in tbe year of our Lord, 1971.

1 Reported in *Canon I.aw Digest,* 6, p. 398.
2Reported in *Canon Law Digest, 6,* p. 580.

1 Reported above under this same canon.

Art. 6

1. *After* §3 *of art. 6 of the said "order," this* §4 *should be added:*

§4. The episcopal conferences and the Union of Superiors General mentioned in § §1 and 2 should elect one or other of their members as substitute who, with the approval of the Supreme Pontiff, will be able to take part in the Synod only if the member whose place he takes cannot be present.

2.*Articles 11, 12 and 13 in chapter VII of the said "order" are abrogated and the following articles are introduced in their stead.*

Chapter VII. The General Secretariat of the Synod of Bishops

Art. 11. *Constitution of the General Secretariat of the Synod*

§1. The general secretariat of the Synod of Bishops is a permanent institution established for the service of the Synod in such wise that it is the bond between the different assemblies of the said Synod.

§2. The secretary' general and the secretariat council make up the secretariat of the Synod, each according to its role.

Art. 12. *Appointment, Functions and Assistants of the Secretary General*

§1. The secretary general is appointed by the Supreme Pontiff and exercises his function at the Pontiff's pleasure *(ad nutum).*

§2. It belongs to the secretary general to carry out the orders or mandates of the Supreme Pontiff and to communicate to him everything that concerns the Synod of Bishops.

§3. The secretary general takes part in the meetings of the Synod, directs the offices of the secretariat and signs its acta.

§4. It likewise belongs to the secretary general to prepare and to move along the work sessions of the secretariat council as well as to chair the sessions of the said council.

§5. It also pertains to the secretary general:

l to send, upon orders from the Supreme Pontiff, the letter of convocation and the schedule of agenda for each meeting of the Synod of Bishops, as well as all documents, instructions and notices pertaining to the meeting.

2 to communicate to all interested parties the names of the members or participants who have been freely designated by the Supreme Pontiff according to the apostolic letter, *Apostolica sollicitudo*,[3] of 15 September, 1965; and also to report the appointment by the Supreme Pontiff of the special secretary of each meeting.

3 to report to the Supreme Pontiff what has been accomplished in the work sessions of the secretariat council.

4 to prepare the order of each meeting, submitting to the Supreme Pontiff the subjects to be treated and a list of the members, which require confirmation.

5°to send the minutes of every meeting of the Synod to the cardinal prefects of the departments of the Roman Curia, to the patriarchs, major archbishops and metropolitans outside the patriarchates of the Catholic Churches of the Oriental rite, to the presidents of episcopal conferences and to the president of the Union of Superiors General.

6° to carry out the orders that may be given to him by the Synod of Bishops.

7° to collect, arrange and preserve the acta and documents.

§6. With the approval of the Supreme Pontiff, the assistants of the secretary general arc appointed by the secretary general and are dependent upon him.

§7. The said assistants arc chosen from among well-qualified ecclesiastics endowed with learning and prudence.

§8. If necessary, experts in technical matters may be chosen by the secretary general with the approval of the Supreme Pontiff.

Art. 13. *Constitution, Functions and Meetings of the Secretariat Council*

§1. The council of the general secretariat is constituted at the end of each general assembly of the Synod. YvS

§2. The council is composed of fifteen members of whom twelve are elected by the Synod itself with consideration taken of representation of the bishops distributed all over the globe, and three are designated by the Supreme Pontiff himself.

§3. The election of members is done by ballot and has the force of law when, after discounting the invalid votes, an absolute majority of votes has been received, or, after a first ineffective

[3] Reported in *Canon I.αrv Digest,* 6, pp. 388-393.

ballot, a relative majority on the second ballot; and if the number of votes is equal, the norm of *C.I.C.,* can. 101, §1, 1° will be observed.

§4. The bishops elected to the secretariat council retain their office until a new council is constituted in the following general Synod.

§5. It belongs to the council of the general secretariat to give assistance to the secretary general:

1. in the examination of everything which is proposed by the synods of the Catholic Churches of the Oriental rite and by the episcopal conferences relative to the questions to be treated in the Synod but with consideration had of art. 1, 3°.

2. in the preparation of the work sessions to be carried out in the next assembly of the Synod.

3. in the presentation of plans relative to pronouncements of the Synod which must be approved by the Supreme Pontiff and remanded by him for execution.

4. finally, in other questions which the Supreme Pontiff shall have entrusted to him.

§6. The members of the council of the general secretariat should be convoked by the secretary general twice a year and also as often as, in the judgment of the Supreme Pontiff, it shall seem opportune.

AAS 63-702; S. C. Pub. Eccl. Neg., changes in the order of the Synod of Bishops, 20 Aug., 1971.

Synod of Bishops: Second Assembly Documents (S. C. Publ. Eccl. Neg., 30 Nov., 1971) AAS 63-897.

The second general assembly of the Synod of Bishops drew up two documents, one on "The Ministerial Priesthood," the other on "Justice in the World."* Both are published in Æ4S and are preceded by the following "rescript from an audience" of Cardinal Villot with Pope Paul VI.

RESCRIPT

The Holy Father has, with sedulous study, considered the two texts containing the proposals expressed by the second general

*The first document is reported here after the rescript; the second can be found in an English version in *T.P.S.,* 16 (1971 >,377-389, and in booklet form published by the U. S. Catholic Conference, 1312 Massachusetts Ave., N.W., Washington, D.C., 20005.

assembly of the Synod of Bishops on the topics, "The Ministerial Priesthood and Justice in the World," which had been committed to the assembly for discussion.

As he has already announced in his allocution to a general audience on the 24th of November of this year,2 the Supreme Pontiff has decided that the aforesaid documents should be made part of public law.

His Holiness as of now approves and confirms all the conclusions in the aforesaid documents which conform with the prevailing norms. In a special way, however, he has established by confirmation that in the Latin Church the present discipline regarding priestly celibacy shall continue to be observed, with the help of God, in its entirety.

fhe Holy Father reserves to himself the examination, which is to be instituted later with all diligence, in which he will weigh whether and which of the proposals contained in the recommendations of the Synodal assembly, it is advisable to convert into directives or norms of action.

THE MINISTERIAL PRIESTHOOD

Introduction

In recent times, especially since the close of Vatican Council II. the Church is experiencing a profound movement of renewal which all Christians ought to follow with great joy and with fidelity towards the gospel. The power of the Holy Spirit is present to illumine, strengthen and perfect our mission.

All true renewal also brings the Church undoubted benefits of great value. We well know that through the recently-celebrated Council priests have been inflamed with new ardor and by their daily solicitude have contributed much towards fostering this renewal. We are aware of our very many heroic brothers, faithful to the ministry, who live lives dedicated to God in peace of soul cither among people where the Church lies under a harsh yoke or in mission lands. At the same time, however, that renewal entails some hardships which all in the priesthood, whether bishops or priests, feel in a special way.

2Not published in MS hut in OR, 15 Nov., 1971; English version in *T.P.S.,* 16 (1971),340-343.

All of us must scrutinize the signs of the times in this age of renewal and interpret them in the light of the gospel (cf. *Const, on Church Today,* n. 4) so that with combined forces we may discern whether the spirits arc from God lest the unity of the Church's mission be obscured by ambiguities or the necessary adaptation be impeded by excessive uniformity. Thus, by testing everything and holding on to what is good, today's crisis can provide occasion for an increase of faith.

Because of the gravity of the matter, the Holy Father proposed the ministerial priesthood for discussion by this year's Synod. Many episcopal conferences have investigated this topic before the Synod with their priests and quite often with lay persons. Some priests have also been invited to the Synod as auditors so that they could be at hand for the bishops when dealing with questions of great importance.

We w'ish to discharge our duty with that evangelical simplicity which becomes pastors serving the Church. After having considered our *responsibility* for the fraternal community of the Church, we wish to confirm the faith, raise the hope, and foster the charity of our brothers in the ministerial priesthood and of all Christians. May our words bring solace to the People of God and to the priests dedicated to their service and renew their joy.

Description of the State of Affairs

1. The scope of the mission of the Church has been more broadly' unfolded by Vatican Council II, particularly since the Church's relationship with the world was the special theme of its pastoral constitution, *Gaudium et spes.* Many fruits have been produced from the deeper consideration of this matter: it is more clearly perceived that salvation is not an *abstract* something, as it were, a category *outside of history* and *time,* but comes from God and must permeate the whole of mankind and the whole of human history and freely lead that mankind to the kingdom of God so that, in the end, *God may be all in all (1 Cor.* 15:28).

Nevertheless, difficulties have also arisen, as is easily understood some priests feel themselves estranged from movements which appertain to the masses of men and unequal to solving the questions which are at the heart of mankind. Often also the problems and disturbances of priests emanate from the fact that in their pastoral

and missionary solicitude they must meet the modern mentality with methods which at the present time are perhaps obsolete. Then serious problems and many questions arise, above all from the real difficulties which priests experience m the discharge of their office and not (although in fact it is sometimes true) from an embittered spirit of contention and of fomenting controversy' or from merely personal concerns harbored because of self-love. Is it possible to exhort the laity from the outside, as it were? Is the Church sufficiently present to certain groups without the active presence of a priest? If, indeed, the condition proper to a priest is that of being segregated from secular life, is not the condition of a lay person better? What is to be thought of the celibacy of priests of the Latin Church in present-day circumstances and of the personal spiritual life of a priest immersed in the world?

2. Not a few priests, feeling within themselves the struggles arising from the *secularization* of the world, experience the need to sanctify worldly activities by immediate intervention as well as to bring into the midst of events the leaven of the gospel. In like manner there is the growing desire to cooperate with the combined efforts of men to build up a more just and brotherly society. Ina world where nearly all problems manifest political aspects, participation in politics and even in revolutionary activity is considered by some as indispensable.

3. The Council emphasized the excellence of the proclamation of the gospel which through faith must lead to the fullness of the celebration of the sacraments but present-day thinking regarding the religious phenomenon in many minds nourishes questions regarding the meaning of a sacramental and *cultic* ministry. Very many priests, however, who are not suffering from a personal identity crisis, put another question to themselves: Which modes of action must they use in order that sacramental practice may be an expression of faith which really affects the whole of life, both personal and socialjest Christian worship be wrongly reduced to mere external *ritualism?*

Since priests arc extremely attentive to the image which the Church seems to offer of herself before the world, and at the same time are deeply conscious of the singular dignity of the human person, they wish to introduce a change within the Church herself in relations between persons, between persons and institutions, and in the very' structure of authority.

4. Relations also between bishops and priests and between priests themselves become more difficult the more the exercise of the

ministry is diversified. Present-day society is divided into many groups using different disciplines which require different skills and forms of the apostolate. Thence arise problems which reach out to brotherhood, union of minds, and consistency in priestly ministry

The recent Council happily recalled to memory the traditional and productive doctrine of the common priesthood of the faithful (cf. *Dog. Const, on the Church,* n. 10). Out of that, on the other hand, as by a sort of counterswing, arise some questions which seem to obscure the place of the priestly ministry in the Church and which vehemently disturb the minds of certain priests and faithful. Many activities previously reserved to priests, e.g., catechetics, community administration, even liturgical, arc today rather often exercised by lay persons while, contrariwise, many priests, because of the reasons already cited, strive to inject themselves into the life condition of lay persons. Out of this state of affairs several questions arise for some persons: Does priestly ministry have some specific nature? Is this ministry nccssary? Is it impossible to lose the priesthood? What does being a priest mean today? Would it not be sufficient to have for the service of the Christian communities presidents designated to serve the common good but without sacramental ordination and exercising their function for a period of time?

5. Still graver questions are posed which manifest a crisis of trust as regards the Church, some of them having arisen out of exegetical and historical researches: Is not the present-day Church too far removed from its origins to be able to announce the ancient gospel in a credible way to persons of this age? Is the *reality* of Christ still accessible after so many critical investigations? Arc the essential structures of the primitive Church so sufficiently known to us that they can and must be retained as an invariable form for all centuries, including our own?

6. The above-mentioned questions, some of them new while others have long ago been known but dressed up in new forms today, cannot be undrstood outside the total ambit of present-day human culture which has very great doubts about its own meaning and value. New technical devices stir up excessively enthusiastic hope and, at the same time, profound anxiety. Rightly it is asked whether man will be able to control his work and direct it towards progress.

Others, especially the younger people, despair of the meaning of this world and seek salvation in purely *meditative* systems, in artifi-

cial and secondary paradises, abandoning the common striving of mankind.

Others, led on by an ardent and *utopian* hope without regard for God, dedicate themselves to the acquisition of some state of total liberation and transfer the meaning of their whole personal life from the present to the future.

And so there is a profound disjunction between action and contemplation, work and play, culture and religion, the immanent and the transcendent aspects of human life.

Thus the world itself in a somewhat obscure manner awaits a solution to this dilemma and opens the way whereby the Church can go forward announcing the gospel. To be sure, the only one complete salvation offered to mankind is Jesus Christ, Son of God and son of man, who through the Church renders Himself present in history. He inseparably cements together charity towards God and the enduring charity of God towards men as they seek their way among the shadow, and the force of human love whereby a person gives his life for his friends. In Christ and only in Him do all these elements coalesce into one and thereupon from this *synthesis* the meaning of human life, both *individual* and social, shines forth. Therefore, the mission of the Church, which is the Body of Christ, is by no means obsolete; rather, indeed, it is eminently suited to the present and to the future: the total Church stands out as the witness and efficacious sign of this union, particularly through the priestly ministry. The characteristic function of the minister in the midst of the Church is to represent the love of God in Christ toward us in word and in sacrament and at the same time to stir up fellowship of men with God and among themselves. All of this, of course, demands that every last one of us, especially those of us who arc discharging a sacred function, daily study to renew ourselves in accordance with the gospel.

7. We know, of course, that there are regions of the world where that profound change of human culture is, up to the present, less felt and the questions set forth above are not being posed everywhere, neither by all priests nor under the same viewpoint. But because today communications between persons and peoples are had more frequently and more speedily, wc judge it good and timely to look into these questions under the light of faith and humbly and in the fortitude of the Holy Spirit to set forth some principles for finding more com *rete* responses to them. Even though this response must be applied differently according to the circumstances of each region,

still it will have the force of truth for all the faithful and priests who are living in a situation of greater tranquility. Wherefore, with the ardent wish to bolster the witness of faith, wc fraternally exhort all Christians to strive to contemplate the Lord Jesus living in His Church and to observe Him wishing to work particularly through His minister. Thus they will be convinced that the Christian community cannot accomplish its full mission without the ministerial priesthood. On the other hand, may the priests realize that the bishops assuredly participate in their anxieties and wish to participate in them more.

♦ ♦ ♦

Moved by this desire, the Synodal Fathers, in the spirit of the gospel, closely following the teaching of Vatican Council II and also considering the documents and allocutions of the Supreme Pontiff, Paul VI, intend to expound briefly some points of doctrine of the Church on the ministerial priesthood which arc more urgent today, as well as some guidelines relative to pastoral practice.

Part One

POINTS OF DOCTRINE

1. *(Christ, Alpha and Omega).* Jesus Christ, the Son and the Word of God, whom the Father sanctified and sent into the world *(Jn.* 10:36), signed with the fullness of the Holy Spirit (cf. *Lk.* 4.1, 18-21; *Acts* 10:38), announced to the world the Good News of reconciliation between God and men. Ilis prophetic preaching, confirmed by signs, reaches its climax in the paschal mystery, the supreme expression of the divine love whereby the Father has spoken to us. On the cross Jesus in the greatest way possible showed Himself as the good shepherd who laid down His life for His sheep in order that He might gather them to that unity which is based on Himself *(ci. Jn.* 10:15 ff.; 11:52). Exercising the highest and the unique priesthood by the offering ot Himself, He surpassed, by fulfilling them, all the ritual priesthoods and sacrifices of the Old Testament and even of the gentiles. In his sacrifice He took on Himself the miseries and sacrifices of men of all ages, and also the struggles of those who suffer for justice's sake or arc daily weighed down by their unhappy lot, and the efforts of those who have left the world and arc attempting to attain God through asceticism and

contemp ation, or the labors of those who with sincere intent expend their lives for a better present and future society. On the cross He bore the sins of us all; rising from the dead and having been made Lord (cf. *Phil.* 2:9-11), He reconciled us with God and laid the foundation of the People of the New Testament, which is the Church.

lie is the one mediator between God and men, the man Christ Jesus (/ *rim.* 2:5); in Him were created all things (Co/. 1:16; *cf. Jn,* 1:3 ff.) and all things arc brought together in Him as head (cf. *Epb.* 1:10). Since He is the image of the Father and the manifestation of the invisible God (cf. *Col.* 1:15), He has through His emptying of Himself and His exaltation introduced us into the fellowship of the Holy Spirit which He Himself lives with the Father.

When, therefore, we speak of the priesthood of Christ, we should have in mind the unique, incomparable *reality* which combines within itself the prophetic and kingly office of the incarnate Word of God.

I hus, in many ways, Jesus Christ signifies and manifests the presence and effectiveness of the prevenient love of God. The Lord Himself, forever exercising influence on His Church through His Spirit, stirs up and fosters the responses of all men who offer themselves to this freely-given love.

2. *(Approach to Christ in the Church).* The approach to the person and mystery of Christ always lies open in the Holy Spirit through the scriptures understood in the living tradition of the Church. All the scriptures and especially those of the New Testament must be interpreted as intimately interconnected and interrelated by a single inspiration. Nor are the books of the New Testament of so different value that some of them can be reduced to mere figments of a later date.

A personal and immediate relationship with Christ in the Church must sustain the total spiritual life even for one of today's faithful.

3. *(The Church from Christ through the Apostles).* Christ announced that He would build His Church upon Blessed Peter and He founded it upon the Apostles (cf. *Dog. Const, on the Church,* n. 18) among whom its twofold aspect is already manifested: in the group of twelve apostles are present both fellowship in the Spirit and the origin of a hierarchical ministry (cf. *Deer, on Mission, Act.,* n. 5). As a result, the writings of the New Testament speak of the Church as founded upon the apostles (cf. *Apoc.* 21:14; *Mt.* 16:18). Ancient tradition expresses the same thing briefly in this fashion: "The

Church from the apostles, the apostle from Christ, Christ from God."[1]

On the other hand, the Church, founded upon the apostles and sent into the world and wandering in it as a pilgrim, was instituted for this purpose: to be the sacrament of that salvation which comes from God in Christ right to us. In her Christ is present to the world as Savior and is operative in such wise that the love offered by God to men and their responses mutually correspond. The Holy Spirit stirs up in and through the Church impulses of generous freedom by which a person participates in the very work of creation and redemption.

4. *(Origin and nature of the hierarchical ministry).* The Church, which has been drawn up with an organic structure through a gift of the spirit, participates in different degrees in the functions of Christ as Priest, Prophet and King in order that she, as a priestly people (cf. *Dog. Const, on the Church,* n. 10), may carry out her mission of salvation in His name and by His power.

From the writings of the New Testament it is patent that an apostle and a community of the faithful united by a mutual connection under Christ as Head and by the influence of His Spirit pertain to the original, inalienable structure of the Church. For the twelve apostles exercised their mission and functions and "not only had various assistants in the ministry" (cf. *Acts* 6:2-6; 11 30, 13:1, 14:23; 20:17; / *Thess.* 5:12-13; *Phil.* 1:1 ; *Col.* 4:11 and *passim)* but in order that the mission entrusted to them might continue after their death, they consigned to their inmediate co-laborers, after the manner, as it were, of a last will and testament, the task of completing and consolidating the work they had begun (cf. *Acts* 20:25-27; *2 Tim.* 4:6 f.; Co/. 1:1; *l Tim. 5:22;2 Tim.* 2:2; *Tit.* 1:5;St Clement of Rome: *Ad Cor.* 44:3), admonishing them to attend to the whole flock in which the Holy Spirit had placed them to feed the Church of God (cf. *Acts* 20:28). Therefore, they constituted men of this kind and conferred ordination on them so that when they died other approved men would take up their ministry (cf. St. Clement of Rome: *Ad Cor.* 44:2) *(Dog. Const, on the Church,* n. 20).

The letters of St. Paul show that he was conscious that he was acting by Christ's mission and mandate (cf. *2 Cor.* 5:18 ff.). The

[1] Tertullian: *De Praescr. Haer.,* XXI, 4-, cf. also Letter I of Clement *Ad Cor.* XLII, 1-4; Ignatius of Antioch: *Ad Magn. IV* and *passim;* Irenaeus. *Adv. Haer.* 4, 21, 3; Origen: *De Princip.,* IV, 2, 1; Scrapion, Bishop of Antioch, in Eusebius: *Hist. Eccl.,* VI, 12.

powers which had been entrusted to the apostles for the churches where handed over, insofar as they were communicable, to other men (cf. 2 *lint.* 1:6) who themselves were obliged to hand over those same powers to yet other men (cf. *Tit.* 1:5).

That essential structure of the Church, constituted by a flock and pastors deputed for the purpose (cf. *1 Pet.* 5:1-4), according to the tradition of the Church herself, has always been and remains *normative.* Precisely as a result of this structure the Church can never remain closed in upon herself and is always subject to Christas to her origin and head.

Among the different kinds of charisms and ministrations only the New Testament priestly ministry continues the function of Christ as mediator. It is distinct from the common priesthood of the faithful in essence and not only in grade (cf. *Dog. Const, on tbe Cburcb,* n. 10). It perpetuates the essential work of the apostles: by the effective preaching of the gospel, by gathering together and leading the community, by the remission of sins, and especially by the Eucharistic celebration it renders Christ, the head of the community, present in the exercise of His work of redemption of man and the perfect glorification of God.

Bishops and, on a subordinate level, priests, in virtue of the sacrament of orders which confers the anointing of the Holy Spirit and configures them to Christ (cf. *Deer, on Priestly Min.,* n. 2), become participants in the functions of sanctifying, teaching, and governing whose exercise is more precisely determined by hierarchical communion (cf. *Dog. Const, on tbe Cburcb,* nn. 24, 27, 28).

The priestly ministry attains its culmination in the celebration of the Eucharist which is both the source and the center of the Church's unity. The priest alone can act in the person of Christ to preside over and effect the sacrificial banquet in which the People of God arc associated with Christ's oblation (cf. *Dog. Const, on tbe Cburcb,* n. 28).

The priest is the sign of the divine, prevenient plan which is proclaimed today in the Church and is efficacious. He makes Christ, the Savior of all mankind, sacramentally present among his brethren both in their personal and in their social lives. He sponsors both the first proclamation of the gospel to the Church which is to be assembled as well as of the unflagging renewal of the Church already assembled. If the Church lacks the presence and activity of that ministry which is received through the laying on of hands with prayer, she cannot have full certainty about her fidelity and about her visible continuity.

5. *(Permanent nature of tbe priesthood).* Through the laying on of hands there is communicated a gift of the Holy Spirit which cannot be lost (cf. 2 *Tim.* 1:6). This reality configures the ordained minister to Christ the Priest and consecrates him (cf. *Deer, on Priestly Min.,* n. 2) and makes him a participant in the mission of Christ under its twofold aspect, namely, of authority and of service. I hat authority does not belong to the minister as his own; it is a manifestation of the "exousia" (i.e., power) of the Lord in virtue of which the priest functions as His legate in the eschatological work of reconciliation (cf. 2 *Cor.* 5:18-20). He is also of service in the conversion of human freedoms to God for the building up of the Christian community.

This permanent, lifelong character of this *reality which is a sign* pertains to faith and in the tradition of the Church is called by the term, priestly character. It means that Christ associates the Church with Himself in an irrevocable manner for the salvation of the world and the Church herself in a definitive way is dedicated to Christ for the fulfillment of His work. The minister whose life bears the seal of a gift received through the sacrament of orders reminds the Church that the gift of God is definitive. In the midst of the Christian community which lives by the Spirit, he is, despite his defects, a pledge of the salvific presence of Christ.

This special participation in the priesthood of Christ does not by any means disappear, even if the priest is dispensed or removed from the exercise of his ministry because of ecclesial or personal reasons.

6. *(For community service).* Even if a priest exercises his ministry in a particular community, nevertheless, he cannot be exclusively r hi intent upon a single group of the faithful. His ministry always tends to the unity of the total Church and to the gathering of all peoples into her. Each single community of faithful needs communion with the bishop and with the universal Church. In this way the priestly ministry is also essentially *communitarian* within the presbyterate and with the bishop who, maintaining communion with the successor of Peter, is engrafted into the body of bishops. This must also be said of priests w'ho have not been assigned to the immediate service of some community or of those who are w'orking in remote and isolated territories. Religious priests also, within the scope of the particular purpose and structure of their institute, are inseparably engrafted into a mission which is ecclesially orientated.

The total life and activity of the priest should be imbued with a spirit of catholicity, namely, with a sense of the universal mission of

the Church in such wise that he cheerfully acknowledges all the gifts of the Spirit, gives them rein, and directs them to the common good.

Following the example of Christ, priests should cultivate with the bishop and among themselves a brotherly relationship which is based on their ordination and on their unity of mission and which makes their priestly witness more credible.

7. *(Tbe priest and temporal matters).* All truly Christian undertakings are ordered to the salvation of men which, although it has an eschatological character, embraces also temporal matters. Even' *reality* of this world must be brought under the lordship of Christ but this does not mean that the Church claims for herself technical competence in the secular order with disregard of its autonomy.

The distinctive mission of the priest, just as of the Church, which Christ has entrusted to him, is not that of the political, economic or social realm but of the religious realm (cf. *Const, on Church Today,* n. 42). And yet, in keeping with the nature of his ministry, he can contribute greatly to the establishment of a more just secular order, there especially where human problems of injustice and oppression are more serious, but always maintaining ecclesial communion and setting aside violence, both in word and in deed, especially since this is not gospellike.

As a matter of fact, the word of the gospel which he himself proclaims in the name of Christ and of the Church, and the efficacious grace of sacramental life which he administers, ought to free men from their personal and social egoisms and promote among men conditions of justice which would be a sign of the charity of Christ present among us (cf. *Const, on Church Today,* at the end of n. 58).

Part Two

GUIDELINES FOR THE LIFE AND MINISTRY OF THE PRIEST

Considering the mission of the priest under the light of the mystery of Christ and of the communion of the Church, the Fathers of this Synod, united with the Roman Pontiff and conscious of the anxieties which bishops and priests experience from the difficulties in the performance of their common assignment today, exhibit the following guidelines for the clarification of some issues and for their encouragement.

1. Priests in the Mission of Christ and of the Church

1. *(Mission: evangelization and sacramental life).*

a) "Priests of the New Testament, by their vocation, to be sure, and ordination, arc in a certain sense set apart within the midst of the People of God, not, however, in order that they may be separated from that people or from any man, but in order that they may be totally consecrated to the work for which the Lord has taken them" *(Deer, on Priestly Min.,* n. 3). Therefore, priests find their identity insofar as they fully live the mission of the Church and exercise it in different ways in communion with the total People of God as pastors and ministers of the Lord in the Spirit in order to complete by their work the plan of salvation in history. "Since, however, priests through their distinctive ministry – which consists principally in the Eucharist which perfects the Church – are in communion with Christ the Head and lead others to this communion, they cannot fail to realize how much is still wanting to the fullness of the Body and how much, as a result, must be done in order that it may grow from day to day" *(Deer, on Mission. Act.,* n. 39).

b) Priests are sent to all men and their mission must take rise from the preaching of the word of God. "Priests . . . have as their first duty the preaching of the gospel of God to all. ... By the word of salvation faith is roused in the heart of unbelievers and nourished in the heart of believers" *(Deer, on Priestly .Min.,* n. 4). Evangelization is aimed at this, "that all who are made sons of God by faith and baptism, may come together as one, praise God in the midst of the Church, take part in the sacrifice, and eat the Lord's Supper" *(Const, on Sac. Lit.,* n. 10). If the ministry of the word is rightly understood, it leads to the sacraments and to Christian living as it is put into practice in the visible community of the Church and in the world.

The sacraments are celebrated in conjunction with the preaching of the Word of God and thus they carry faith forward by strengthening it with grace. Consequently, it is not allowable to make little of the sacraments because through them the word attains its fuller effect, namely, communion in the mystery of Christ. As a matter of fact, priests should perform their duty in such wise that the faithful "should frequent with great eagerness those sacraments which were instituted to nourish the Christian life" *(ibid.,* n. 59).

On the other hand, a steady evangelization and an orderly sacramental life of the community by their nature demand a *diaconia* of authority, that is, a service of unity and the task of presiding over

charity. Thus the mutual relationship between evangelization and the celebration of the sacraments is manifestly apparent in the mission of the Church. A division between the two of them would divide, as it were, the very heart of the Church to the point of endangering the faith and the priest who is bound over to the service of unity in the community, would seriously distort his ministry.

Unity between evangelization and sacramental life is always a property of the ministerial priesthood and must be carefully kept in mind by every priest. But the application of this principle to the life and ministry of the individuals must be made with prudence and moderation because the exercise of the priestly ministry in the practical order must often be varied so that it may better correspond to the special or new situations in which the gospel must be announced.

c) Although the pedagogy of faith requires that a person be gradually initiated into the Christian life, nevertheless, the gospel must always be announced in its entirety by the Church to the world. Each priest shares in the special burden and duty of preaching the total word of God and interpreting it in accordance with the faith of the Church.

The proclamation of the word of God, which is the announcement in the power of the Spirit of the wonderful works of God and the calling of men to take part in the paschal mystery and introduce it as a leaven into the *concrete* history of mankind, is the action of God whereby the power of the Holy Spirit brings the Church together interiorly and exteriorly. The minister of the word by his evangelization prepares the way of the Lord with great patience and faith, conforming himself to the various conditions of life which is progressing more or less rapidly for individuals and peoples.

Compelled by the need to look at both the personal and social aspects of the gospel announcement in order that she may at the same time respond to the main questions of men *(Deer, on Past. Off. of Bps.,* n. 13), the Church not only preaches to individual persons conversion to God but also, in keeping with her part, taking on, as it were, the role of conscience of society, she addresses society itself and in its regard discharges the role of prophet while always taking care of her own renewal.

With regard to the experiences of life, whether of persons in general or of priests, which must be kept in view and must always be interpreted under the light of the gospel, they cannot be either the sole or the main norm of preaching.

J) Salvation, which is brought to completion through the sacra-

ments, does not originate with us but comes from God. This demonstrates the primacy of the action of Christ, the sole priest and mediator, in His Body which is the Church.

Since the sacraments really are sacraments of faith *(Const on Sac. Lit.,* n. 59), they require conscious and free participation by each Christian who has the use of reason. Hence the great importance of preparation and of a disposition of faith on the part of him who receives the sacraments is evident. Hence also is evident the need of witness to the faith which the minister must exhibit in the whole of his life, particularly, however, in his manner of evaluating and celebrating the sacraments themselves.

To the bishops and, in the instances provided for by law, to the episcopal conferences is entrusted the task of authentically promoting, in accordance with the norms given by the Holy See, the pastoral activity and liturgical renewal which are better accomodated to each region, and also of defining the criteria concerning admission to the sacraments. These criteria which must be applied by the priests, must also be explained to the faithful so that he who requests the sacraments, may be made more conscious of his own responsibility.

Conscious of their function of reconciling all men in the charity of Christ and with attentive mind forestalling the dangers of division, priests should with great prudence and pastoral charity strive to form communities which arc imbued with apostolic zeal and which everywhere manifest the missionary spirit of the Church. Small communities which arc not opposed to a parochial or diocesan structure, ought to be so engrafted into a parochial and diocesan community that they may be of service to it as a leaven of missionary spirit. The necessity of finding apt forms so that the gospel announcement may be brought in a really effective way to all persons, placed in differing circumstances, offers room for the multiform exercise of ministries lower than that of the priesthood.

2. *(Secular and political activities).*

a) The priestly ministry, even if it be compared with other activities, must be considered as not only a fully *valid* human activity but even indeed as more excellent than others although this outstanding good can be completely understood only under the light of faith. And so in the ordinary course of events full time should be given to the priestly ministry. By no means is participation in the secular activities which men engage in to be held as the principal objective nor can it suffice to express the particular *responsibility of* priests.

Since priests arc not of this world and are not to take it as a model, they must nevertheless live in the world (cf. *Deer, on Priestly Min.* nn. 3 and 17; Jn. 17:14-16) as actual witnesses to and dispensers of another life *(doc. cit.,* n. 3).

In order that in *concrete* circumstances the consistency between secular activities and the priestly ministry may be determined, one should ask whether and how those offices and activities are serviceable to the mission of the Church, to persons who have not yet had the gospel preached to them, and, finally, to the Christian community. This judgment is to be made by the local bishop in conjunction with his presbyterate, after having taken counsel, insofar as need be, with the episcopal conference.

When activities of this kind which ordinarily belong to lay persons arc, as it were, demanded by the very evangelization mission of the priest, they must be harmonized with his other ministerial activities, if only so they can be considered as necessary modes and forms of true ministry in the circumstances (cf. *Deer, on Priestly Min.,* n. 8).

b) Just as with the whole Church, priests must, with all possible mental strength, select a definite plan of action when there is question of defending basic human rights, of completely developing persons, of advancing the cause of peace and justice – always, indeed, with means and in ways which are consonant with the gospel. All these principles arc valid not only on the level of the *individual* but also on that of society. For this reason priests should assist lay persons so that the latter can study how to form their own consciences correctly.

In those circumstances in which diverse political or social or economic options legitimately exist, priests, just as all citizens, have the right to make their own options. But since political options are, of their nature, *contingent* and absolutely never adequately and perennially interpret the gospel, the priest who is a witness to things which arc to come, should keep himself removed to a certain degree from every' kind of political office or involvement.

However, in order that he may remain a *valid* sign of unity and may be able to announce the gospel in its fullness, a priest can at times be obliged to abstain from the exercise of his very right in this matter. Furthermore, care must be taken lest his option seem to be, as it were, the only legitimate one for Christians or become a cause of discord among the faithful. Priests should be mindful of the maturity of lay persons and must highly value it when there is question of a special sphere in which they are versed.

Assumption of a role of leadership or a style of active militancy for some political faction must be ruled out by every priest unless in *concrete* extraordinary circumstances this is really demanded for the good of the community and has indeed the consent of the bishop after consultation with the priests' council and, if the case warrants, with the episcopal conference.

Therefore, the priority of the special mission which pervades the total existence of priests must always be kept in sight so that they themselves, with great trust and with a renewed experience of the things of God, will be able, effectively and joyously, to announce to men such things as they expect.

3. *(The spiritual life ofpriests).*

Each priest will find in his very vocation and ministry the innermost reason for leading his life in the unity and strength of the Spirit. For called, just as other baptized persons, to become conformed to Christ (cf. *Roni.* 8:29), the priest, like the Twelve, moreover shares in a special way in companionship with Christ and in His mission as supreme pastor: "And He appointed twelve that they might be with Him and that He might send them to preach" *(Mk.* 3:14). For that reason it is not permissible in the life of a priest to have a division between love for Christ and zeal for souls.

Just as Christ, anointed by the Holy Spirit, was drawn by His deep love of the Father to give His own life for men, so the priest, consecrated by the Holy Spirit and specially configured to Christ, dedicates himself to the work of the Father performed through the Son. On that account the whole rule of priestly life is expressed in these words of Jesus: "For them I sanctify myself, that they also may be sanctified in truth" *(Jn.* 17:19).

After the example of Christ, therefore, who was constantly praying, and under the leadership of the Holy Spirit in whom we cry' Abba, Father,' priests must spend time in contemplation on the Word of God and must daily take occasion to weigh the events of life under the light of the gospel so that, having become attentive and faithful hearers of the word, they may turn out to be truthful ministers of discourse. They should be assiduous in personal prayer, in the Liturgy of the Hours, in the rather frequent reception of the sacrament of penance, and above all in devotion to the mystery of the Eucharist Even if the Eucharistic celebration happens to take place without participation by the faithful, it still remains the center of the life of the whole Church and, as it were, the heart of priestly existence.

With mind raised to heavenly things and as a sharer in the communion of saints, the priest should quite often look to Mary, the Mother of God, who received the Word of God with perfect faith, and should daily implore from her the grace to conform himself to her Son.

The activities of the apostolate, for their part, provide nourishment very closely connected with the promotion of the spiritual life of the priest: "By acting the part of the Good Shepherd they will find in the very pastoral exercise of charity the bond of priestly perfection which brings unity to their life and activities" *(Deer, on Priestly Min.,* n. 14). In the exercise of his ministry the priest is enlightened and strengthened by the action of the Church and the example of the faithful. The privations imposed by the pastoral life itself always help him to a more profound participation in the cross of Christ and, consequently, to the acquisition of a purer pastoral charity.

The same charity of priests will also bring it about that they will accommodate their spiritual life to the modes and forms of sanctification which arc better suited and more in harmony with persons of their own age and culture. *Desiring to become all things to all men in order to save all* (cf. 1 Cor. 9:22), the priest must be attentive to the inspiration of the Holy Spirit in these days. Thus he will announce the word of God not only by human effort but he will be taken up as a strong instrument by the Word Himself whose message is "efficacious and more penetrating than any two-edged sword" *(Heb.* 4:12).

4. *(Celibacy).*

a) The basis for celibacy.

Celibacy for priests is in full accord with the vocation to the apostolic following of Christ as well as with the unconditional response of a man who has been called and who takes up pastoral service. Through celibacy the priest, following his Lord, demonstrates in a fuller way that he is prompt and ready and, setting out on the way of the cross, he desires with a paschal joy to be consumed somewhat as the Eucharist.

If, however, celibacy is lived in the spirit of the gospel, in prayer and watchfulness, with poverty, joyfulness, contempt of honors, brotherly love, it is a sign which cannot long be hidden but which effectively proclaims Christ to men even of our age. For today words

arc scarcely valued but the witness of a life which shows the *radicalism* of the gospel, has the power to attract vehemently.

b) Convergence of motives.

Celibacy as a personal option for some good of greater importance, even merely natural, can promote full maturity and *integration* of the human person. That must all the more be said of celibacy undertaken for the sake of the kingdom of heaven as is evident in the life of so many saints as well as of the faithful who, living their celibate life, have totally spent themselves for God and man by promoting human and Christian progress.

In present-day culture, where spiritual values arc greatly clouded, the celibate priest signifies the presence of the Absolute God who invites us to renew ourselves to His likeness. On the other hand, where the value of *sexuality* is so exaggerated that genuine love is relegated to oblivion, celibacy for the sake of the kingdom of Christ calls men back to the heights of faithful love and reveals the ultimate of life's meaning.

Moreover, rightly is there discussion of the value of celibacy as an eschatological sign. By transcending every *contingent* human value, the celibate priest associates himself in a special way with Christ as the ultimate and absolute good and, by anticipation, manifests the freedom of the sons of God. While the value of the sign and of the holiness of Christian marriage is fully acknowledged, celibacy for the sake of the kingdom more clearly shows that *spiritual* fecundity or generative power of the new law whereby the Apostle knew that in Christ he was father and mother of his communities.

Out of this special following of Christ the priest draws greater power and strength to build up the Church. This strength cannot be preserved and increased except by an intimate and permanent union with His Spirit. The faithful People of God wish to recognize this union with Christ in their pastors and can discern it.

Through celibacy priests can more easily sene God with an undivided heart and can spend themselves for their sheep to such an extent that they arc able to be more fully promoters of evangelization and of ecclesiastical unity. Because of this, priests, albeit rather few in number but resplendent by this shining witness of life, will be rich in greater apostolic fecundity.

Furthermore, priestly celibacy is the witness not only of one solitary person but, in virtue of the special relationship whereby the members of the presbyterate are bound together among themselves,

it also puts on a social aspect inasmuch as it is the witness of the whole priestly order enriching the People of God.

c) Preservation of celibacy in the Latin Church.

The traditions of the Oriental Churches as they now prevail in the various territories are to remain unchanged.

The Church has the right and the duty to determine the *concrete* form of the priestly ministry and, as a result, also to select the more suitable candidates who are distinguished by certain human and supernatural qualities. When the Latin Church requires celibacy as an indispensable condition for undertaking the priesthood (cf. *Deer, on Priestly Min.,* n. 16), she does not do this because she thinks that this style of life is the only path to the attainment of holiness. She does it while sedulously considering the *concrete* form of exercising the ministry in the community for the upbuilding of the Church.

Because of the intimate and multiform connection between the pastoral function and the celibate life, the current law is upheld; for one who freely wishes *total disposability,* which is the distinctive note of this function, also freely takes on celibate life. The candidate ought to realize that this form of life is not imposed as *from the outside* but rather as the manifestation of his free self-donation which is accepted and ratified by the Church through the bishop. In this way the law becomes the safeguard and protection of the freedom whereby the priest gives himself to Christ, and turns out as "the easy yoke."

J) Conditions favoring celibacy.

We well know that in today's world special difficulties threaten celibacy from all sides, difficulties which, in other respects, priests have already experienced many times through the course of the centuries. But priests can overcome the difficulties if suitable conditions are promoted, namely: growth of the interior life with the help of prayer, denial, ardent charity towards God and neighbor, and the other aids to the spiritual life; human balance through well-ordered insertion into the structure of social relationships; brotherly companionship and conversation with other priests and with the bishop through pastoral structures better suited to this end and also with the help of the community of the faithful. *. r"

It must be admitted that celibacy as a gift of God cannot be preserved unless the candidate is adequately prepared for it. Right

from the outset the candidates must attend to the positive reasons for choosing celibacy and should not allow themselves to be disturbed by objections whose accumulation and continuous pressure are rather a sign that the pristine value has reached a critical stage. Moreover, they should be mindful that the strength with which God supports us, is always at hand to those who strive to serve Him faithfully and entirely.

The priest who has given up the exercise of the ministry, should be treated fairly and fraternally. Although he can tender supportive work in the service of the Church, he should not, however, be allowed to exercise priestly activities.

c) The law of celibacy.

The current law of celibacy for priests in the Latin Church must be observed in its entirety.2

f) Ordination of married men.

Two formulae were proposed for the vote of the Fathers:

Formula A: Always without prejudice to the right of the Supreme Pontiff, the ordination of married men as priests is not admitted, not even in special cases.

Formula B: It belongs to the Supreme Pontiff alone, in special cases, because of pastoral needs and in view of the good of the universal Church, to allow ordination as priests to married men who, however, are of rather advanced age and of upright life.3

IL Priests in the Communion of the Church

1. *(Relations between priests and bisbop).*

The more faithful priests know and show themselves to be to ecclesial communion, the more faithfully will they be attached to their mission. Thus, the pastoral ministry which is exercised by bishops and priests and deacons, turns out in the Church as an eminent

'Results of the vote; *Approved* 168; *not approved* 10; *approved with qualifications* 21; *abstentions* 3.

In accord with the directives given by the presidents, the votes were not taken by *approved* or *not approved* but through the choice of the one or the other formula. (First formula, that is, *A,* received 107 votes, the second, that is, B, 87. There were 2 abstentions and, likewise, 2 null votes).

sign of this ccclesial communion inasmuch as they have accepted a special mandate to serve this communion.

However, in order that this ministry may truly become a sign of communion, the *concrete* conditions in which it is exercised must be considered of the greatest importance.

I he directive principle expressed by Vatican Council 11 in its decree, *Presbyterorum Ordinis,* namely, that the very unity of consecration and mission requires a hierarchical communion of the priests with the order of bishops, is held as basic to the practical restoration or renewal, with full confidence, of mutual relations between the bishop and the presbytcratc over which he himself presides. This principle, however, must be reduced to practice more precisely, especially through the solicitude of the bishops.

The service of authority on the one side and the exercise of obedience which is not merely passive on the other side must be carried on in a spirit of faith, with mutual charity, filial and friendly confidence, constant and patient dialogue, so that the joint work and *responsible* cooperation of the priests with the bishop may turnout sincere, humane and, at the same time, supernatural (cf. *Dog. Const, on the Church,* n. 28; *Const, on Past. Off. of Bps.,* n. 15; *Deer, on Priestly Min.,* n. 7).

Personal freedom, however, responding to one's own vocation and to the charisms received from God, and also the well-ordered mutual relationship of all in the service of the community and for the good of the mission to be accomplished are two conditions which must shape the proper mode of the Church's pastoral activity (cf. *Deer, on Priestly Min.,* n. 7). The guarantor of these conditions is the authority of the bishop which is to be exercised in a spirit of service.

The priests' council, which of its nature is diocesan, is a certain form of *institutional* manifestation of the brotherhood between priests which is founded on the sacrament of orders.

I'he activity of this council cannot be fully defined by law; its effectiveness depends especially on the repeated attempt to listen to the opinions of everybody so that a consensus may be reached with the bishop to whom it belongs to make the final decision.

If these things arc done with a maximum of sincerity and humility and if any inclination to view only one side is overcome, the right procurement of the common good can be more easily arrived at.

I he priests council is an institution in which the priests, at a time when variety in the exercise of the ministries increases day by day, acknowledge that they complement one another in serving one and the same mission of the Church.

To it belongs, among other things, to seek out definite and distinctly circumscribed objectives, to propose priorities, to outline a plan of action, to give assistance to whatever the Spirit is wont to stir up through individuals and groups, to foster the spiritual life -all in order that the necessary unity may be more easily attained.

New expressions of hierarchical communion between bishops and pnests (cf. *Deer, on Priestly Min.,* n. 7) must be found so that the local churches may have more interaction. Ways must be sought out whereby priests may collaborate with bishops in institutes and undertakings of several dioceses.

Supportive work on the part of religious priests with the bishop in the presbytcratc is necessary, even though their activity provides mighty help to the universal Church.

2. *(Relations ofpriests among themselves).*

Since priests arc associated among themselves by a close sacramental brotherhood and by function and since they work at and plan for the same enterprise, some community life or some sharing of life which can take on various forms, even *non-institutional,* should be encouraged among them and should be sanctioned by law itself with timely norms and with renewed or newly-discovered pastoral structures.

Associations of priests must also be fostered which, in a spirit of ccclesial communion, after they have been recognized by legitimate ecclesiastical authority, "through an apt and approved rule of life and through brotherly assistance" *(Deer, on Priestly Min.,* n. 8) aim to promote the objectives proper to this function as well as "priestly holiness in the exercise of the ministry" *(ibid.).*

It is desirable, that, insofar as possible, ways be sought out, even though they may turn out to be quite difficult, whereby associations which perhaps divide the clergy into factions, can be led around to communion and to ccclesial structure.

Greater communication should be had on the part of religious priests with diocesan priests so that true priestly brotherhood may exist among them and so that they may provide themselves with mutual assistance, especially in matters spiritual.

3. *(Relations between priests and lay persons).*

Priests should remember to entrust "with confidence to lay per-

sons duties in the service of the Church, leaving them freedom and room for action, even inviting them in a timely way also to take on works on their own initiative" *(doc. cit,,* n. 9). The laity, "likewise sharing their solicitude, by prayer and work should, as far as possible, be of help to their priests so that these may be able to overcome difficulties more aptly and fulfill their duties more fruitfully" *(ibid).*

The special character of the communion of the Church must always be kept in view so that both personal freedom in accord with each one's recognized duties and charisms and the unity of life and activity of the People of God may be aptly combined.

The pastoral council, in which specially chosen clergy, religious and laity have part (cf. *Deer, on Past. Off. of Bps.,* n. 27), by its study and consideration should provide the necessary conclusions so that the diocesan community may be able to arrange its pastoral program *systematically* and carry it out effectively.

The more the *co-responsibility* of bishops and priests, especially through priests' councils, increases day by day, the more desirable it is that a pastoral council be established in the individual dioceses.

4. *(Economic affairs).*

The economic problems of the Church cannot be adequately solved unless they are looked at well in the perspective of the communion and mission of the People of God. For it is the duty of all the faithful to render service to the needs of the Church.

On the other hand, in the handling of these problems, to be kept in view is not only' the genuine need within the local church or diocese or religious institute, but also the condition of the dioceses of the same region or nation, in fact, of the whole world, particularly of the churches in the so-called mission territories and of other poor regions.

I he remuneration of priests, which must certainly be determined in the spirit of evangelical poverty but must be, as far as possible, equitable and sufficient, is a duty of justice and must also include social security. Excessive differences in this matter must be removed, especially between priests of the same diocese or jurisdiction.

It seems very desirable that the Christian people be gradually trained so that the incomes of priests may be separated from acts of the ministry, especially the sacramental acts.

CONCLUSION

For priests who are exercising the ministry of the Spirit (cf. *2 Cor.* 3:4-12) in the midst of the entire Church, new ways are open for giving profoundly renewed witness in today's world.

It is therefore necessary to look to the future with Christian confidence and to implore the Holy Spirit that, despite the dangers which the Church cannot meet with the help of purely human devices, under His leadership and with His inspiration the gates may be opened to the gospel.

Always keeping in view the apostles, especially Peter and Paul, as examples of the image for the renewal of the priesthood, we should give thanks to God the Father because the opportunity is given to us all to manifest the countenance of Christ with greater fidelity.

Already there are present true signs of a rebirth of the spiritual life while men everywhere in the world, amid the uncertainty of these times, await the fullness of life. This renewal can certainly not take place without participation in the cross of the Lord because "the servant is not greater than his master" (cf. *Jn* 13:16). Forgetting the things "which are behind, we strain forward to what is yet to come" (cf. *Phil.* 3:13).

With real daring we must show the world the fullness of the mystery hidden through the centuries in God so that men through participation in it may be able to enter into the total fullness of God (cf. *Eph.* 3:19).

"We announce to you the Life Eternal which was with the Father and has appeared to us. What we have seen and have heard we announce to you in order that you also may have fellowship with us, and that our fellowship may be with the Father, and with His Son, Jesus Christ" *(1 Jn.* 1:2-3).

AAS 63-897; S. C. Pub. Eccl. Neg., rescript and documents of Synod of Bishops, 30 Nov., 1971. Annotations in *Horn, and Past. Rev.,* 72 (Jan 1972),48-56 (Wuerl).

Bishop: Role of: Paul VI, homily at ordination of a group of bishops, stressing unity which bishops share in apostolic succession and their charism of pastoral power, 13 Feb., 1972 (AAS 64-217)—English version in *T.P.S.,* 17 (1972),39-42.

Celibacy Dispensation: Reserved solely and personally to Supreme Pontiff. *See* c.214;S.C. Doct. Fid., 26 June, 1972, n. III.

Council of Episcopal Conferences of Europe: Paul VI, allocution (25 March, 1971; AAS 63-292) to newly-formed, created by presidents and delegates of 17 European episcopal conferences who met at Rome, 23-24 March, 1971.

Dress, Titles, Coats-of-arms: Instruction on. *See c.* 230; Sec. St., 31 Mar., 1969.

Faculties: Study of, granted in *Pastorale munus* and *Episcoporum niunenbus* in *The Jurist,* 28 (1968), 425-448 (Graham); *Ir. Eccl. Rec.,* 109 (1968),62 (Cunningham).

Synod of Bishops: Extraordinary, summoned by Pope Paul VI and held in October, 1969. Three allocutions to this group are reported in AAS 61-716 (on episcopal collegiality, 11 Oct., 1969); 61-723 (on B. V. Mary's role as Mother of the Church and relationship between Mary and the bishops, 25 Oct., 1969); 61-726 (on his confidence in the Synod and concurrence with several proposals regarding future synods, 27 Oct., 1969), Eng. vers, of all three allocutions in *The Pope Speaks,* 14 (1969-70), 343-348, 351-354 and 355-358 respectively. Two other allocutions, 15 and 26 Oct., 1969, touching on the synod are not reported in *AAS* but Eng. vers of both in *The Pope Speaks,* 14 (1969-70), 348-350 and 354-355 respectively.

Extraordinary Synod, 11-17 Oct., 1969:

Canada: report of bishops of, on schema for; reported in *Catb. Mind,* 68 (Jan., 1970), 44-51.

Secretariat General: Paul VI, address to, in which he takes up an article in Paris newspaper reporting a press conference with Cardinal Seunens on the issue of collegiality and celibacy, 15 May, 1970; both press conference and Pope's address reported in *Cath. Mind,* 68 (Sept., 1970),37-45, Pope's address in *T.P.S.,* 15 (1970), 149-151.

Second Ordinary Synod, 30 Sept, to 6 Nov., 1971:

Paul VI, homily at Mass at opening of, 30 Sept., 1971 (AAS 63-770)-English version in *T.P.S.,* 16 (1971),192-198; *Cath. Mind.* 70 (Jan. 1972),2-5.

Paul VI allocution at first session, 30 Sept., 1971 (AAS 63-775): allocution at closing of, 6 Nov., 1971 (AAS 63-831)—English version in *T.P.S.,* 16 (1971), 198-205 ; *Cath. Mind,* 70 (Jan. 1972),60-64.

Council of the General Secretariat of the Synod of Bishops: Paul VI, allocution to, regarding next synod, 3 March, 1972 (AAS 64-292); allocution to, 27 Oct., 1972 (AAS 64-712).

Documents issued by: "Ministerial Priesthood": *see above* under this same canon. "Justice in the World": (AAS 63-923)—English version in *TPS.,* 16 (1971),377-389; *Cath. Mind,* 70 (March 1972),52-64; booklet form available from Publications Office, U.S.C.C., 1312 Massachusetts Ave., N.W., Washington, D.C., 20005.

CANON 330

Selection of Candidates for the Episcopacy in the Latin Church (S. C. Pub. Eccl. Neg., 25 March, 1972) AAS 64-386.

In times past, by the issuance of particular rules which looked to various nations, the Apostolic See took care that the selection of

bishops should be made in such a way that pastors who would "become from the heart a pattern to the flock" (*I Pet.* 5:3) would be advanced to the government of the Church.

However, since the decisions of the Second Vatican Ecumenical Council must exercise their force also in this area, the Supreme Pontiff, Paul VI, after having received the opinions of many of his brothers in the episcopacy and after having sought the views of the competent departments of the Roman Curia, decided to put into effect what was set forth in n. 10 of the *motu proprio, Ecclesiae Sanctae,* namely, the episcopal conferences, according to norms established or to be established by the Apostolic See, shall every year, with prudent counsel and in secret, consider ecclesiastics to be promoted to the office of bishop in their territory, and propose the names of the candidates to the Apostolic See."[1] Accordingly, he gave instructions that a document on this subject should be very carefully prepared and proposed to the episcopal conferences for their examination.

Now that this has been done, the Supreme Pontiff has approved the norms appended herewith, which treat of the promotion to the episcopacy of ecclesiastics of the Latin rite. These norms, however, do not affect the laws proper to the Oriental Churches and will go into effect on the 21st day of the month of May in the year 1972, and at the same time will abrogate the above-mentioned particular decrees.

All things to the contrary notwithstanding.

From the Vatican offices, the 25th day of the month of March in the year 1972.

NORMS FOR THE PROMOTION OF CANDIDATES TO THE EPISCOPAL MINISTRY IN THE LATIN CHURCH

Article I

I. Bishops have the faculty and the duty to make known to the Apostolic See the names of priests whom they consider worthy of the episcopal office and suited for it, not only from the ranks of the diocesan clergy but also from the religious who are exercising the sacred ministry in the diocese as well as from priests of another jurisdiction who arc well known to them.

[1] *Canon Law Digest,* 6, p. 270.

2. Every diocesan bishop and other local Ordinaries, but not vicars general, shall strive to obtain all the information and details which are necessary for the carrying out of such an important and difficult assignment. They are to do this either by personal investigation or by opportune consultation – within the limits of their jurisdiction but not collectively – with priests from the cathedral chapter, or from the board of consultors, the council of priests and, finally, from the clergy, both diocesan and religious, as well as with members of the laity.

3. With regard to ecclesiastical territories entrusted to missionary institutes, it is recognized that the respective superiors general, in accord with the current practice of the Sacred Congregation for the Evangelization of Nations, have the faculty to propose candidates from their own institute, but always without prejudice to the right of the Apostolic See to make other provision if such is considered opportune.

Article II

1. As a general rule, the names of candidates for the episcopacy are weighed and proposed by the bishops assembled in meeting. Nevertheless, every' bishop and other Ordinary mentioned above in art. I, 2, has the right to propose candidates directly to the Apostolic See.

2. The meetings or conferences in question should usually be on a province level and, in other words, should be composed of bishops and other Ordinaries belonging as above to the same ecclesiastical province unless special local circumstances suggest interprovincial or regional or even national meetings in which cases prior notice shall be given to the Apostolic See.

Article III

1. All the bishops of a province or a region or a nation who according to the respective statutes pertain to the same episcopal conference with a deliberative vote take part in the meeting with equal rights.

2 It there is question of a provincial meeting, the metropolitan is to prepare the list of agenda and preside at the meetings; if he is absent, this is done by the senior suffragan; if there is question of a regional or national meeting, this is done by the president of the conference.

Article IV

1. Meetings should be held at definite intervals in accordance with n. 10 of the *motu proprio, Ecclesiae Sanctae.* It is fitting that they be held when the bishops usually assemble.

2. The periodic meetings arc convened for the purpose of the bishops proposing candidates or, if the case so warrants, of supplying further information regarding candidates previously proposed. It can also happen that some candidate previously proposed is not to be retained on the list because of advanced age, or ill health, or some other reason which renders him ineligible for the episcopacy.

Article V

At a suitable time before the assembly meeting, the names of those to be proposed should be sent to the president by those who have the right and the duty to be present. The president, employing appropriate precautions, should take care to communicate to them the entire list of names.

They, on the other hand, should consider the names of the candidates and note down what they know about each one.

Article VI

1. The bishops should communicate to one another their information and observations, indicating whether they are making their statements from first-hand knowledge or from hearsay.

2. On the other hand, the candidates must be examined in such wise that it may be discerned whether they arc endowed with the gifts which must necessarily mark a good pastor of souls and a teacher of the faith, namely: whether they enjoy a good reputation; whether they are of irreproachable morals; whether they arc equipped with good judgment and prudence, evenness of mind and constancy of character; arc they tenacious of orthodoxy of faith, devoted to the Apostolic See, and loyal to the Church's magisterium; are they thoroughly conversant with dogmatic and moral theology and with canon law; arc they shining examples of piety, a spirit of sacrifice and pastoral zeal; are they gifted with an aptitude for governing? Attention must also be given to their intellectual acuteness, their curriculum of studies, their social sense, spirit of dialogue and cooperation, understanding of the signs of the times, laudable endeavor not to show favoritism, their family background, health, age, inherited characteristics.

Article VII

1. After the oral discussion has been completed, the votes or abstentions from voting should be expressed for the individual candidates in writing or other apt method.

2. The votes should be secretly expressed so that complete freedom in voting may be preserved for each one. It is advisable that in addition to the vote as such, a distinct indication be given of the nature of the diocese or office for which each candidate seems more suited.

3. After the votes have been cast for the individual candidates, they arc to be reviewed in a way suited to an exact computation of them.

4. If it seems advisable, the president can invite the bishops to a new oral discussion regarding one or several of the candidates and can provide for another vote being taken so that the special characteristics of a given candidate may be brought out more clearly.

Article VIII

1. Before the conclusion of the meeting, a list should be drawn up of those who are to be proposed to the Apostolic Sec as being worthy and suitable for the episcopal office.

2. Likewise, before the break-up of the meeting, everything from which it could be learned how each one cast his vote is to be destroyed. On the other hand, the minutes of everything treated of in the meeting should be drawn up according to law.

3. It is altogether desirable that the bishops not depart until the records of the minutes have been read, approved and signed.

Article IX

The president of the meeting should send a complete copy of the minutes and of the list of candidates to the Apostolic Sec via the papal legate. '**.*"?

Article X

1. In those nations in which there are several ecclesiastical provinces and in which it seems advisable in the judgment of at least two thirds of those who belong to the national episcopal conference with a deliberative vote, a list drawn up by the provincial or regional meeting should be sent by way of timely information to the

president of the national episcopal conference and he will be able to append to it observations and information, keeping in mind the needs and circumstances of the Church in the whole nation.

2. Likewise, if it seems advisable to the greater part, as indicated in the preceding paragraph, of the members of the national episcopal conference, there can be established a permanent committee of the conference or a not-too-large special commission composed of members to be elected by the plenary meeting of the conference itself for a definite period of time and presided over by the president of the national conference, to append the observations and information mentioned above in n. 1.

Article XI

1. When there is question of indicating to the Apostolic See candidates for a given episcopal office, consideration must be taken of the lists drawn up by the provincial meetings or by the regional or national meetings in the instances described in art II, 2.

2. On the other hand, the lists do not diminish the freedom of the Roman Pontiff who, in virtue of his office, always has the right to choose and install also men drawn from other sources.

Article XII

1. Before any candidate whosoever is appointed bishop, the Apostolic Sec carries out a diligent and wide-ranging inquiry about him by consulting individual persons who know him intimately and who can supply the fullest possible information and render, before God, a prudent and considered judgment in his regard.

2. The execution of this inquiry is entrusted to the papal legate who submits the questions drawn up for this purpose to ecclesiastics: bishops, priests, religious. Moreover, prudent and really reliable lay persons who have useful knowledge about him may be interrogated in the same way.

Article XIII

1. When there is question of providing for a given diocese or of designating a coadjutor with the right of succession, the papal legate will ask for a full and careful report on the condition and the needs of the diocese from the vicar capitular or the apostolic administrator or the diocesan bishop himself. The clergy and the laity, especially through their canonically established bodies and their agents, as well as the religious can also be questioned.

2. Without prejudice to cases legitimately excepted by particular law or custom or other reason, as regards the so-called terna which is to be proposed to the Apostolic See, the papal legate has the task of asking individually and of communicating to the Apostolic See itself, together with his own opinion, the suggestions of the metropolitan and the suffragans of the province to which the diocese to be provided for belongs or with which it convenes for meeting, as well as the suggestion of the president of the national episcopal conference. Furthermore, the papal legate will listen, as opportunity allows, to some members of the cathedral chapter or of the diocesan consultors and of other members of both ranks of clergy, especially of the priests' council which was in existence while the see was filled.

3. With the necessary adjustments, a similar method of procedure should be followed by those to whom it belongs to propose candidates when there is question of nominating auxiliary bishops.

Article XIV

In the expediting of all these matters, the prescribed so-called papal secret must be strictly observed by the bishops, the papal legate, the priests and the laity who in any way whatever have part. This is demanded by the very nature of the matter and by the respect due to the persons under consideration.

Article XV

Without prejudice to the wish of the Second Vatican Ecumenical Council in its decree, *Christus Dominus,* η. 20 on the free election of bishops, the preceding norms neither abrogate nor replace legitimate privileges which have been granted, or legally acquired rights or special procedures which have been approved by the Apostolic See by pact or otherwise.

AAS 64-386; S. C. Pub. Ecd. Neg., norms, 25 March. 1972. Annotations in *Cath Mind,* 70 (Oct. 1972),6-7 (N.F.P.C.); *Rev. Espan, de Der. Canon.,* 28 (1972),661-682 (Barbercna), *Sal Terrae,* 60 (1972),464-467 (Regatillo). *Proceedings C.L.S.A.,* 34 (1972),54-61 (Gocdcrt).

Appointment of a Bishop: Scries of articles with some specimen questionnaires on how an appointment should and should not be made, reported in *Herder Correspondence, 6* (1969), 91-92, 186-187; 7 (1970), 28-29, 55-57, 155-157. 182-184

Statement issued by participants in a symposium sponsored by Canon Law Society of America and Fordham University on: 1) election of bishop by clergy and laity; 2) community participation in revision of canon law, 3) all future ecclesiastical legislation, universal and local, be enacted only in synods and councils; issued 5 April, 1970; reported in *Catb Mind,* 68 (June, 1970),49-52.

CANON 331

Questionnaire on Fitness: Specimen form used, reported in *Herder Correspondence,* 7 (1970), 61.

CANON 335

Faculty: To draw up process for a papal dispensation regarding sacramental, nonconsummated marriage *without* need to request this faculty from Holy Sec. *See* c. 1963; S. C. Sacr.. 7 March 1972, sect. I, introduction.

Pastoral Care: Tourism. *See* c. 467; S.C. Cler., 27 Mar., 1969; 30 April, 1969. part, II, 3.

CANON 337

Pontifical Insignia: Revision of Use (Paul VI, 21 June, 1968) AAS 60-374.

lhe following apostolic letter, *Pontificalia insignia,* was issued *mom proprio.*

Down through the centuries the Church has created and accepted pontifical insignia so that in the eyes of the faithful the sacred dignity of bishops might be more clearly expressed. This special effect resulted when the solemn bestowal of the insignia was made and inserted into the very rite of ordination or consecration and formulae were used which expressed the pastoral function which was to be exercised by the new bishop over the flock committed to him. There were also writers, especially in the Middle Ages, who composed lucubrations on those insignia in which they brought out both their pastoral and spiritual significance. They shed light on the dignity and power of the bishop as one who is to stand out as pastor and teacher of the sheep whom he is under orders to lead and nourish. He it is who *is to be considered the high priest of his flock,*

from whom the life of his people in Christ is, as it were, derived and on whom it depends/

Little by little, however, the pontifical insignia which had remained proper to bishops for several centuries, were also granted to other ecclesiastics who provided assistance to bishops in the exercise of their ministry or to prelates such as abbots in their monasteries or territories who possessed some jurisdiction which had been withdrawn from the local bishop; or even to many other clerics, whether as individuals or as members of a group, as a sign of dignity or honor. As a result, it has turned out that in our day there are many clerics who, although they do not possess episcopal rank, nevertheless have the privilege of pontifical insignia in varying situations and extent according to the norms set down in the code of canon law, or in the apostolic letter, *Inter multiplices,* issued *motu proprio,* by Our predecessor, St. Pius X, on 21 February, 1905, or in the apostolic constitution, *Ad incrementum,* issued by Our predecessor of happy memory, Pius XI, on 15 August, 1934.

Recently, however, the Second Vatican Ecumenical Council focused new light on the dignity and office of bishops in the Church and more openly brought out the distinction which exists between them and priests of the second rank. Furthermore, when it treated of liturgical celebrations, the said Council decreed that *the rites should be distinguished by a noble simplicity . . . and should be witbin the people's powers of comprehension, and normally should not require much explanation.*[1] The elements which are incorporated into sacred celebrations are signs by which invisible divine realities are shown[3] and which, consequently, should be easily and, as far as possible, directly perceived by the faithful so that, as a result, they can be led on to higher things.

Wherefore, among the norms providing for the rcsoration of the sacred liturgy, there is had the appropriate decree that *the use of pontificals be reserved to those eccles.astical persons who have the episcopal character or some particular jurisdiction* [4]

When consideration is given to the spirit and conditions of our times which make much of the authenticity of signs and to the need

[1] Vat. II: const, liturg. *Sacrosanctum Concilium,* n. 41, *AAS* 56 (1964), 111; *Canon Law Digest,* 6, p. 45.

[2] *Ibid.,* n. 34; *Canon Law Digest.* 6, p. 43.

[3] Cf. *ibid .* n. *33; Canon Law Digest, 6,* p. 43.

[4] *Ibid ,* n. 130; *Canon Law Digest, 6,* p 66.

to have liturgical rites reflect also a noble simplicity, it is certainly necessary that the restoration be applied to authenticity regarding the use of pontifical insignia whereby the dignity and office of feeding the People of God is brought forth into the light.

And so to carry out the wish of the holy Council, We, by Our apostolic authority, of Our own initiative and with certain knowledge. hereby decree:

1. In accord with the provision of art. 130 of the constitution on the sacred liturgy, We command that hereafter, besides bishops, only the following prelates, though lacking episcopal rank, but possessing real jurisdiction, use pontifical insignia, namely:

ii) legates of the Roman Pontiff.

b) abbots and prelates who are possessed of territorial jurisdiction divorced from every diocese (cf. can. 319. §1 ; 325).

c) apostolic administrators who have a permanent appointment (can. 315, §1).

d) abbots regular with jurisdiction *(de regimine)* after they receive the abbatial blessing (can. 625).

2. The following, even though not possessing episcopal rank, may use the said pontifical insignia with the exception of the throne and crosier:

j) apostolic administrators who have a temporary appointment (can. 315, §2, 2°; cf. also can. 308).

b) vicars apostolic and prefects apostolic (can. 308).

3 The prelates enumerated in nn. 1 and 2 enjoy the above-mentioned rights only in their own territory and for the duration of their office. On the other hand, abbots primate and abbots general of monastic congregations can, for the duration of their office, use pontifical insignia in all monasteries of their order or of their congregation. However, other abbots regular *de regimine* enjoy the said right in every monastery of their order but only with the consent of the abbot or prior conventual of the particular monastery.

4. Abbots regular *de regimine* who have received the abbatial blessing but who later have lost their jurisdiction, and titular abbots may use pontifical insignia in every monastery of their order or congregation but only with the consent of the abbot or prior conventual of the particular monastery.

5. Other prelates who lack episcopal rank but who were nominated prior to the present letter continue to enjoy the privileges concerning certain pontifical insignia which they now possess and which were granted them under any title, whether as individuals or

as a member of a group. On the other hand, these privileges can be voluntarily surrendered in accord with the norms of law.

6. In view of the recent decrees of the holy ecumenical Council and the principles We have elaborated on the preservation of authenticity of the sign in sacred celebrations, prelates who will be nominated in the future, with the exception of those referred to in nn. 1 and 2, will not have the right to use pontifical insignia.

7. What is here said about prelates holds true also for other clerics who under any title use pontifical insignia.

8. What is commanded by this apostolic letter will go into effect as of the 8th of September of this year.

Everything which We have set down in this *niotu proprio* letter We command will be firm and ratified, all things to the contrary notwithstanding, even those worthy of most special mention.

Given at Rome, at St. Peter's on the 21st day of the month of June in the year 1968, the sixth of Our pontificate.

AAS 60-374, Paul VI.Aforw *Proprio,* 21 June, 1968. Annotation *in Notitiae,* 4 (1968), 307-312 (Famoso).

Pontifical Insignia and Rites: Instruction on (S. C. Rit , 21 June, 1968) AAS 60-406.

The Sacred Congregation of Rites issued the following instruction. *Pontificales ritus,* on the simplification of pontifical rites and insignia.

Through the centuries it has been the custom to hold pontifical rites in great esteem and, as a consequence, to preserve them with great diligence not only because they provide an index of how the sacred dignity of bishops should be held in honor in the Church but also because they clearly set forth before the gaze of the faithful the mystery of the Church herself.

How great is the concern manifested by the Church, even in more recent times, for the performance of rites by the bishop, can be seen from the *Ceremonial of Bishops* in which, by the authority of the Supreme Pontiff, the norms necessary for regulating pontifical celebrations have been collected.

While this book preserves the venerable traditions of ancient celebrations in which, under the presidency of the bishop, priests, deacons and servers exercised their ministry in the presence of the assembled people, nevertheless, it also often contains matters which are obsolete and less in harmony with our time.

As a result, now that the liturgical restoration has been inaugurated reducing sacred rites to a noble simplicity and to authenticity of sign, a number of bishops have rather urgently requested that even pontifical celebrations and pontifical insignia be simplified.

Therefore, after attentive consideration, even though the *Ceremonial of Bisbops* cannot be completely revised until the definitive restoration work on the Ordinary of the Mass, the divine Office and the liturgical year has been completed, still, it seems appropriate, even at this time, to set down some points whereby' pontifical rites can also reflect simplicity while still maintaining their dignity. Wherefore the following changes or restorations arc prescribcd for immediate action.

I. PRIESTS AND MINISTERS AT EPISCOPAL CEREMONIES

a) *Priestsand ministers at concelebrated. Mass.*

1. To bring out more clearly that special manifestation of the Church which is expresssed so openly in the Eucharist when the bishop presides surrounded by priests and ministers and with the active participation of the people, it is extremely proper that now that concélébration has been restored, in accord with venerable Church tradition, priests join in concelebrating with the bishop when he celebrates in solemn fashion.

In order to afford greater opportunity' to priests of higher rank to concelebrate Mass with the bishop:

a) one of the priest concélébrants functions as assistant priest.

bi in the absence of deacons, two of the concélébrants may substitute for assistant deacons.[1]

b) *Priests and deacons as assistants.*

2. The office of the assistant priest is to stand next to the bishop when the latter reads. However, a server should hold the book before the bishop when he is not at the altar.

3. Priests of higher rank should assist the bishop as usual when he is at the throne. Nevertheless, the deacon or, if need be, even the deacon and subdeacon of the Mass may assist the bishop at the throne and discharge the functions of assistant deacons.

'ci *Ritus seroandus in concelebratione Missae,* nn. 18 and 19.

c) *Deacons and subedeacons.*

4. To manifest openly the genuineness of orders and ministries in Eucharistic celebrations at which the bishop presides, it is better not to exclude real deacons and subdeacons, if such are present, from the office of deacon of the altar and subdeacon at Mass.

5. There is no objection to several deacons, if present, wearing their vestments and performing different ministries as assigned them.

6. When the bishop celebrates low Mass, it is proper that at least one deacon assist, vested in amice, alb, cincture and stole; he should read the gospel and minister at the altar.[2]

7. At the Mass of the chrism on Holy Thursday, if it is impossible to have all the deacons and subdeacons required by the rubrics, they may be fewer. If not even this number can be obtained, some of the concelebrant priests should carry the oils.

d) *Canons assisting in choir.*

8. At a pontifical Mass of a bishop, the canons should always be vested in their choir dress.

e) *Lesser ministers.*

9. Ministers assisting the bishop at the throne are not to wear the cope.

II. THE SEAT OR THRONE OF THE BISHOP

10. By venerable tradition the seat of the bishop is called a "throne."

11. Hereafter a canopy should not be placed above the throne. Nevertheless, precious works handed down from the centuries should be preserved with sedulous care. On the other hand, existing canopies should not be removed without first consulting the commission on the liturgy and sacred art.

12. In keeping with the structure of each church, the number of steps to the throne should be determined in such wise that the bishop can be easily visible to the people and can be seen as truly presiding over the whole assembly of the faithful.

13. There should always be only one episcopal throne. On it the bishop who celebrates or who pontifically presides over the celebration should sit. For other bishops or prelates who happen to be

[2] Cf. *Ritus servandus tn celebratione Missae* [1965], n. 44.

present, scats should be prepared in a suitable place but should not beset up after the manner of thrones.

III. SIMPLIFICATION OF CERTAIN VESTMENTS AND PONTIFICAL INSIGNIA

14. A bishop who according to rubrics vests in an alb, is not obliged to wear the rochet under the alb,

15. The bishop has a choice as to using: *a)* buskins and sandals-, *b)* gloves; he has the right, if he chooses, always to use white gloves-, *c)* the morse worn on the cape.

16. However, the following arc abolished:

j) the bishop's tunic which heretofore had to be worn under rhe dalmatic.

b) the silk gremial; the other gremial is to be kept for whenever there is true usefulness for it, c.g., when preforming anointings.

c) the candle which is brought with the book to the bishop for reading unless there is need of it.

d) the pillow placed before the bishop when he genuflects.

17. In accord with ancient tradition, the bishop should retain the dalmatic when he celebrates solemnly. Moreover, he should also do so at low Mass: at the consecration of a bishop; at the conferral of Orders; at the blessing of an abbot or abbess·, at the blessing and consecration of virgins; at the consecration of a church or altar. Nevertheless, for a reasonable motive, he can refrain from wearing the dalmatic under the chasuble.

18. In every liturgical service, the bishop should use only one mitre which can be simple or precious according to the character of the celebration.

19. Every bishop when, with the consent of the local bishop, he celebrates pontifically, may use the crosier.

20. Only one cross should be carried in a procession so that greater dignity and veneration can be procured for the cross. If an archbishop is present, the cross will be the archiépiscopal cross but it is to be carried at the head of the procession and with the image of the crucified One facing forward. The cross which was carried in procession is praiseworthily erected later at the altar so that it becomes the altar cross. Otherwise, it is put aside.

IV. CERTAIN CHANGES OR ABOUTIONS OF EPISCOPAL RITES.

a) *Vesting and unvesting.*

21. In every liturgical service the bishop puts on and removes the sacred vestments in the secretarium or, if none is had, in the sacristy, or even at the throne, or, according to circumstances, at the altar. However, the vestments and insignia are not to be placed on the altar.

22. When the bishop presides in the secretarium before Mass at the Hour of the Office which is accommodated to the time of day, he vests in the chasuble from the very beginning of the Hour.

b) *Tbe book ofgospels.*

23. The book of gospels, appropriately, should be separated from the book of epistles. It is carried by the subdeacon at the start of Mass. However, after the celebrating bishop has kissed the altar and the book of gospels, the book itself is left on the altar at the center. When the deacon has said the *Munda cor meuni,* he picks it up before he seeks the bishop's blessing for singing the gospel.

c) *Tbe liturgy of tbe -word at a Mass at which the bishop presides but does not himself celebrate it.*

24. When, according to the norm of n. 13, the bishop presides at Mass without celebrating it, he himself may perform everything in the liturgy of the word which, as a rule, is done by the celebrant.

d) *Certain abolitions.*

25. The bishop is saluted by everybody with a bow and not, as heretofore, with a genuflection. Similarly, ministers in the discharge of their office stand before him unless convenience suggests otherwise.

26. Acolytes or clerics and not, as heretofore, his servants should minister to the bishop at the washing of his hands in liturgical services.

27. Everything which is prescribed in the *Ceremonial of Bishops* concerning the formation of circles before the bishop or concerning the alternate recitation of certain texts are abolished.

28. I he foretasting of the bread, wine and water which is prescribed in the *Ceremonial of Bishops* is likewise abolished.

29. If the bishop presides at a canonical Hour before Mass, he omits the preparatory Mass prayers which are prescribed by the *Ceremonial of Bishops* for recitation during the psalm.

30. At a Mass at which the bishop presides but does not celebrate, the celebrant and not the bishop blesses the water which is to be poured into the chalice at the offertory.

31. The bishop is free not to use the mitre and crosier when he goes from place to place if a very short distance intervenes.

32. Unless he is already wearing it, the bishop does not use the mitre when he washes his hands or when he is incensed.

c) *The episcopal blessing.*

33. The blessing after the homily, which is mentioned in the *Ceremonial of Bishops,* is abolished.

34. When, according to law, the bishop imparts the papal blessing, this blessing with its formularies takes the place of the customary blessing at the end of Mass.

35. When an archbishop gives the blessing, the cross should not be held before him.

36. The bishop should take the crosier before he begins the blessing formula so that it will not be interrupted. Therefore, in this case, he omits the elevation and extension of hands which are prescribed in n. 87 of the *Ritus servandus.*

Furthermore, the archbishop receives the mitre before the blessing itself.

37. After the blessing has been given, the bishop, as he is about to retire, reverences the altar while retaining the mitre and crosier. If he has the right to wear the pallium, he does not remove it at the altar but in the secretarium.

V. PRELATES NOT OF EPISCOPAL RANK; OTHER CLERICS; OTHER LITURGICAL SERVICES

38. Everything which has been said in this instruction about the simplification of certain sacred vestments, pontifical insignia and rites, as well as about certain abolitions and changes, holds true also, with appropriate adaptations, for prelates or other clerics not of episcopal rank who from law or privilege have the use of certain pontifical insignia.

39. The abolitions and changes set down above pertain also to all liturgical services celebrated by other clerics.

This instruction was prepared by the Sacred Congregation of Rites and the Commission for the Implementation of the Constitution on the Sacred Liturgy. The Supreme Pontiff, Pope Paul VI, graciously approved it on the 10th of June, 1968, confirmed it by his authority, and ordered that it become part of public law, and stipulated that it go into effect on the 8th day of the month of September of the year 1968, the feast of the nativity of the Blessed Virgin Mary.

Rome, 21 June, 1968.

AAS 60-406; S. C. Rit., Instruction, 21 June, 1968. Annotations in *Ephem. Liturg.,* 82 (1968), 349-358 (unsigned); *Notitiae,* 4 (1968), 312-324 (Famoso).

CANON 350

Coadjutor and Auxiliary Bishop: May be mentioned in eucharistie prayer. *See* c. 2; S. C. Cult. Div., 9 Oct., 1972, nn. II and IV.

Dress,Titles, Coats-of-arms: Instruction on. *See c.* 230; Sec. St., 31 March, 1969.

CANON 391

Dress, Titles, Coats-of-arms: Instruction on. See c. 230; Sec. St., 31 Mar., 1969.

CANON 409

Dress of Canons, Beneficiaries and Pastors (S. C. Cler., 30 Oct., 1970) AAS 63-314.

The following circular letter was issued by the S. C. for the Clergy on the reform of choir dress.

Through the instruction, *Ut sive sollicite,* sent out at the order of the Supreme Pontiff by the cardinal for the public affairs of the Church on the 31st day of March, 1969, a mandate was given to this Sacred Congregation for the Clergy to issue suitable prescriptions, which, however, are to be accomodated to the criteria of the said instruction, as regards the choir dress and titles of canons, beneficiaries and pastors.

IN. 35; the complete document is reported above in this volume under canon 230.

Wherefore, after having heard the interested episcopal conferences of the Latin rite and after having compared their opinions and proposed them to the papal secretariat, this Sacred Congregation by the present circular letter entrusts to the said episcopal conferences the task of reducing the choir dress to a simpler form, keeping in view the following general principles:

1) Ail privileges, even those which are centennial and immemorial, are by the present letter abolished in accord with the statutes contained in the apostolic letter, *Pontificalia insignia,* issued *motu proprio* on the 21st day of June, 1968,2 and in the instruction, *Ut sive sollicite,* issued on the 31st day of March, 1969.

2) Use of the mozzetta of violet color is permitted only to canons hiving episcopal rank. Other canons should use a black or ash-colored mozzetta with violet piping; beneficiaries should wear a black or ash-colored mozzetta; pastors, however, should wear only a stole.

J) Moreover, canons, beneficiaries and pastors are forbidden all insignia which are still found in some places, namely: the mantelletta, the sash with fringes, the red hose, shoes with buckles, purple cloak, rochet, mitre, crosier, ring, pectoral cross.

4) What has been said in the above-mentioned documents of the Apostolic Sec regarding cardinals and bishops have force, with befitting adjustments, also with regard to other groups of ecclesiastical men.

To the individual episcopal conferences is entrusted the faculty to take steps that, observing what must be observed, those provisions which are established in the above-mentioned documents of the Apostolic See and the present letter, are gradually brought into use.

Given at Rome, the 30th day of October, 1970.

AAS 63-314; S. C. Cler., letter, 30 Oct., 1970.

CANON 423

Priests'Council (S.C. Cler., 11 April, 1970) AAS 62-459.

Following is the "circular letter to the presidents of episcopal conferences regarding priests' councils according to the decisions of the plenary congregation held on the 10th day of October, 1969."

JAAS 60 (1968),374-377. reported above in this volume under canon 337.
3AAS, 61 (1969),334-340; see footnote 1 above.

Introduction

1.By sacred ordination and the mission they receive from their bishops, priests "are promoted to the service of Christ, the teacher, the priest, and the king, in whose ministry they share and by which the Church here on earth is constantly built up into the People of God, the Body of Christ, and the Temple of the Holy Spirit."[1] Since, then, the priestly ministry can be carried out only in the hierarchical communion of the whole Church,[2] "no priest can satisfactorily carry out his mission isolatedly and. as it were, single-handedly but only by joining forces with other priests under the leadership of those who preside over the Church."[3]

Bishops, on the other hand, upon reception of their canonical mission, "govern the particular churches entrusted to them as vicars and legates of Christ."[4] In order that they may be able rightly to discharge their office of feeding a portion of the People of God, they take to themselves as necessary helpers,[5] priests who in the exercise of their ministry arc dependent upon the bishops with whom they are united in sacerdotal dignity.[6][7]

Priests called to the service of the people constitute *one presbyterate* with their bishop although, of course, it takes in different duties. /\s a result, in every diocese there exists between the bishop and all the priests a hierarchical communion[8] which joins them closely and makes them one family in which the father is the bishop.[9]

2.This intimate communion the Second Vatican Ecumenical Council explained and illustrated in various documents and thus interpreted the signs of the times. For at the present time when the apostolic undertakings of all the members of the faithful require unremitting and combined forces and the Church is pressurized by so many and such great troubles, there is no one who does not sec that union among sacred ministers is greatly demanded. From this union, which is sacramentally based, there must arise a union of hearts which rests on mutual charity.[10] Only in this way can there

[1] *Deer, on Priestly Min.,* n. I.
[2] *Ibid.,* n. 15.
[3] *Ibid.,* n. 7.
Const. on Church, n. 27.
[5] *Deer. on Priestly Min.,* n. 7.
[6] *Dog. Const, on Church,* n. 28.
[7] *Ibid.,* n. 28; *Deer, on Priestly Min,,* n. 8.
[8] *Decr. on Priestly Min.,* n. 7.
[9] *Deer. on Past. Off. of Bps.,* n. 28.
[10] *Decree. on Priestly Mm .* n. 8.

be born a common pastoral activity which takes in the whole of the diocese and all of its problems. If and to the extent that this is reduced to practice, there can be hope that the priests will align their wills with that of the bishops and render their work more fruitful and efficacious.

The Bishop's New Consultive Body

J. With regard to the government of the particular churches, canonical legislation always assigned to bishops some kind of consultive instrument, made up especially of priests, to which the bishops themselves were obliged to listen or whose consent they were obliged to obtain in certain matters of greater importance In the present Code of Canon Law there exist various instruments to help the bishop relative to the different needs of diocesan government, for example, the diocesan synod, synodal examiners, parish priest consultors, cathedral chapter or board of consultors, the diocesan council of administration, etc.

A thing which in earlier centuries was seen as a simple postulate or requisite for correct and wise government is also theologically elucidated by the Second Vatican Council which more deeply investigated the nature of the Church. We are taught, for example, by the sacred Synod that there exists between the bishop and his priests in a particular church a hierarchical communion in virtue of which the bishop and priests share one and the same priesthood and one and the same ministry although in different degrees,[11] which arc determined by the Order received and by canonical mission. With this as background, the said Synod, in keeping with its pastoral character, wishes that this unity of mission be turned to the good of the diocese by a new kind of consultive instrument when it said; "there should be had in a manner accomodated to today's circumstances and needs, and in a form and with norms determined by law, an assembly or senate of priests which represents the presbyterate and which can, with its counsels, efficaciously help the bishop in the government of the diocese."[12]

Following up on this wish of the Second Vatican Council, the Supreme Pontiff, Pope Paul VI, by his apostolic letter. *Ecclesiae Sanctae,* ordered that there should be established in each diocese the aforesaid assembly which is called a priests' council.[13] That enabling

"Decree *on Past Off. of lips.,* n. 28; *Deer, on Priestly Min.,* n. 7.

lDecr. on Priestly Min., n. 7.

l .MS 58 (1966),776 ff.; reported in *Canon Law Digest,* 6, pp. 274-275.

law, enacted experimentally, set down only a few things regarding the manner of making up the council, its competence and its function with the intention that the necessary period of time be left for the evolution of the new consultive instrument.

Plenary Session of the S. Congregation

4. In the third year following the promulgation of the aforesaid law, the S. Congregation for the Clergy, which has the responsibility of supervising priest's councils,14 sent a circular letter on 15 January, 1969 to the presidents of the episcopal conferences in accord with the intent of that law,15 requesting the bishops to deliver to the said S. Congregation their observations and comments on the experiments relative to this new instrument. When, then, the replies together with the statutes of the councils had arrived at the S. Congregation from nearly all the ecclesiastical provinces governed by common law, the said S. Dicastery, after having heard its consultors, held a plenary session on 10 October, 1969, to discuss the major issues concerning the said consultive body. The views of this session are here briefly set forth.

Obligation to Establish a Priests' Council

5 From the hierarchical communion which exists between the bishop and the priests, there necessarily follows the scope and function of the priests' council which, to be sure, somehow manifests in an institutional manner that very communion. As a result, the establishment of this kind of council, to be carried out in each diocese in accord with the *motu proprio, Ecclesiae Sanctae,* is prescribed as obligatory.

Furthermore, this obligation is in harmony with the times because it is most appropriate and useful today that between bishops and priests there should be established an instrument of common consultation and dialogue. Its usefulness is already apparent from the very many responses sent by the bishops to the S. Congregation: contact with the priests is made easier; their views and desires are better known; again, more accurate information on the state of affairs in the diocese can be derived; mutual experiences can be more fittingly communicated; the needs of pastors and of God's flock are

14Const. ap. *Regimini Ecclesiae Universae,* n. 68; reported in *Canon Law Digest,* 6, p. 340.

'5 Motu *proprio. Ecclesiae Sanctae,* Introduction; reported in *Canon Law Digest, 6,* p. 264.

more clearly apparent; apostolic enterprises accommodated to today's circumstances are harmoniously undertaken; finally, through shared labor difficulties arc adequately resolved or, at least, explained.

Composition of the Priests' Council

6. The priests' council should express the whole presbyterate of the diocese. /Xccording to the opinion of the bishops and fathers of the plenary session, this requisite is more perfectly obtained the more fully the views and experiences of the priests are consulted. Consequently, the representative character of the council is effected if. in as far as it is possible, the following are represented within its make-up: *(a)* the different ministries (pastors, assistants, chaplains, etc.); *(b)* the regions or pastoral zones of the diocese; (c) the different age groups or generations of the priests. If any difficulty should arise in thus making up the council, a representation proportioned to the principal ministries of the priests seems preferential.

Religious who exercise the care of souls in the diocese or give themselves to the works of the apostolate under the jurisdiction of the bishop, may also be included among the members of the council.16

i. The manner of designating the members of the council has been entrusted to the bishops.17 Indeed, as is clear from their own responses, by an almost unanimous consent, they have stipulated that a notable part of the members should be elected by free vote of the priests. However, the fathers of the plenary session approved the proposal that the majority of the members should be selected by vote of all the priests. 8

On the other hand, the other members should be designated directly by the bishop or be declared to be members by the very fact that they hold an office which should be represented in the council (e.g., vicar general, rector of the seminary, etc.).

This composition of the members, namely, some elected by the pnests, others appointed by the bishop, yet others deriving from or

16*Motu proprio, Ecclesiae Sanctae,* I, 15. §2.

17 I, 15, §1.

The statutes of the council, which are to be approved by the bishop, should prescribe the manner of election procedure by analogy with canons 160 and the following as well as canon 2294 of the Code of Canon Law.

designated by reason of their office, while, on the one side, it fosters the confidence of the priests who feel that they are represented tn the council, on the other hand gives the bishop assurance of maintaining a balance and at times affords the possibility of better expressing the representative character of the said council.

Competence of the Priest's Council

8. The competence of the priests' council is to assist the bishop by its counsel in the government of the diocese. Therefore, questions of major moment, whether they pertain to the sanctification of the faithful or the doctrine to be given to them or to the general administration of the diocese, should be treated by the council, if, that is, the bishop proposes them or, at least, admits them for consideration. In the proposal or admission of a question the bishop should be solicitous for the observance of the universal laws of the Church.

in as much as the council represents the whole presbyterate of the diocese, it was established to promote the good of the said diocese. Consequently, all questions, and not only those which look to the life of priests, can rightly be admitted for consideration by the council, and. indeed, as testimonials of the priestly ministry on which they spend themselves to be benefit of the ecclesiastical community.

in general, it belongs to the council to advocate norms that seemingly ought to be set down, to propose questions of principle; but not to treat of those questions which of their nature demand a more discreet manner of procedure as happens, for example, in the conferral of office.

Consultive Character of the Priests' Council

9. The priests' council is a special consultive organ. It is called consultive because it does not possess a deliberative vote. As a result, it is not competent to make decisions which bind the bishop unless the universal law of the Church provides otherwise or unless the bishop in individual cases believes it appropriate to give the council a deliberative vote. On the other hand, it is affirmed to be a special consultive organ because by its nature and its procedural process it is preeminent among other organs of the same kind.

Our council, which is a sign of hierarchical communion, of its nature demands that consultations be entered into for the good of the diocese »n union with the bishop and never without him – in other words, by joint effort of the bishop and the members. This is

the manner required by Vatican 11l 9 and inculcated by the words of the *motu proprio. Ecclesiae Sanctae:* "In this council the bishop should listen to his priests and consult and talk with them about matters which concern the needs of the pastoral ministry and the good of the diocese."[o n]

This joint study whereby, that is, opinions and information on issues arc communicated, pastoral needs arc set forth, arguments are weighed, and motions arc proposed, demands on both sides that their mind be aptly prepared and receptive to profound change of views in humility and patience.

When this joint effort has been completed, the decision then belongs to the bishop who is bound by personal responsibility to the section of the People of God entrusted to him.2 l Consequently, the diligence of the council is a help to and not at all a substitute for the bishop's responsibility.

10. Influenced by these considerations, the fathers of the plenary congregation manifested the following judgment that the title and function of the bishop's senate in the government of the diocese belongs only to the priests' council.

However, with regard to the earlier senate of rhe bishop, that is, the cathedral chapter where it exists, and the board of consultors where that is had, the said fathers abided by the norm of the *motu proprio, Ecclesiae Sanctae,* the one, namely, which prescribes that me said institutions should retain their own proper functions and competency until they are revised.22

Since, however, the circumstances which affect the historical evolution of cathedral chapter differ in different regions of the Church, the individual episcopal conferences shall prepare their motions relative to the revision of the cathedral chapter and the reformation or confirmation of the board of consultors.

Meanwhile, until the Code of Canon Law is revised, the priests' council ceases when the episcopal see is vacant.2 3 Therefore, unless the Holy Sec provides otherwise, the cathedral chapter or the board of consultors sets up a vicar capitular in accord with canons 429-444 and 427 of the Code of Canon Law which are still in effect.

[10] *Deer on Past. Off. of lips.* n. 28.

[20] 1,15. §1; Canon *Law Digest,* 6, p. 274.

\\I)ccr. *on Past, Off. of Rps.t* n.I 1 ; *Dog. Const, on Church,* n. 23.

L 17, §2; *Canon Law Digest,* 6, p. 275.

•Mo/w *proprio, Ecclesiae Sanctae,* I, 15, §4: "unless in special circumstances to be recognized by the Holy See, the vicar capitutlar or the apostolic administrator confirms it." Cf. also the apostolic constitution. *Regimini le-dtiiae universae,* n. 68, §4- both reported in *Canon Law Digest,* 6. pp. 274 and 341 respectively.

Conclusions

I.Having in minci all these considerations, this Sacred Congregation for the Clergy earnestly requests and urges:

(a) where it is still lacking, a priest's council should be set up as soon as possible and the title and function of the bishop's senate be given to it.

(b) each priest's council prepare its own statutes which must be approved by the bishop; consideration is to be had of those matters indicated by the present letter.

II.Since it is expedient that the bishops, united in conference, should take common counsel on issues affecting the priests' council,24 the said Sacred Congregation kindly asks that:

( ) issues of major importance which are to be treated in the priests' council be suggested by the episcopal conference.

( ) likewise, the episcopal conference suitably propose norms of procedure in the priests' council, the frequency of assemblies, the cooperation to be had with other consultive bodies, the promotion of relations of the council with all the other priests of the diocese.

III. Finally, this Sacred Congregation asks that each episcopal conference please present to the said S. Congregation before 31 December, 1970, its vote relative to the cathedral chapter and the board of consultors as indicated above in n. 10.

By the present letter this Sacred Dicastery intends to indicate principles and more general criteria which have flowed out of consultation with episcopal conferences and the discussion of the fathers and which will be able to help the bishops in carrying out their serious responsibility in as far as it pertains to the establishment and program of action of priests' councils. This Sacred Congregation trusts, therefore, that the episcopal conferences will please inform it of their experiences in these matters so that due consideration of the said experiences may be had in another plenary congregation which may perhaps be held before publication of the new Code of Canon Law.

Given at Rome, the Uth day of April. 1970, on the memorial of St. Leo The Great, Pope and doctor of the Church.

AAS 62-459. S. C. Cler., circular letter. 11 April, 1970. Annotations in *Chicago Studies,* 9 (1970),203-222 (Padovano).

[24] *Motu propno, Ecclesiae Sanctae,* I, 17t

Asxmbly of European Priests: Reportedly representative of priests' councils of 14 European countries meeting at Geneva, 20-23 April, 1971, reports and evaluation in *Christ to the World,* 16 (1971),270-276 (Legrand); *Clergy Rev.,* 56 (1971),518-523 (Murphy-O'Connor)·, *Furrow, 22* (1971),368-375 (Sweeney).

Priests' Council: Synod of Bishops on. *See c.* 329; S. C. Pub. Eccl. Neg., 30 Nov., 1971, Part 2, sect. Il, n. 1.

CANON 424

Pastoral Council: Synod of Bishops' recommendation. *See* c.329; S. C. Pub. Eccl. Neg., 30 Nov., Part 2, sect. Π, n. 3.

CANON 427

Board of Consultors: Relationship to priests' council. *See* c. 423; S. C. Cler., 11 April, 1970, n. 10.

Priests' Senate or Council: Diocesan and national, relation of: decision of priests of St. Louis Archdiocese, 8 Feb., 1969; reported in *Cath. Mind,* 68 (Mar., 1969), 6-7.

National Federation of Priests' Council: constitution; reported in *The Priest,* 24 (1968), 519-525.

CANON 429

Vicar During vacancy of episcopal sec. *See* c. 423; S. C. Cler., 11 April, 1970, n. 10.

CANON 451

.Military Chaplain Has Ordinary Jurisdiction Over His Subjects (S. C. Episc., 2 Dec., 1968) Private.

The Military Vicariate of Canada addressed the following questions to the S. C. for Bishops.

1 Can it be considered as an officially accepted interpretation that a chaplain of the Military' Vicariate of Canada has ordinary jurisdiction, including the power to officiate at marriages of his subjects?

2. If yes, would he receive this jurisdiction at the moment when he is accepted as a chaplain by the military vicar? Is this jurisdiction applicable to all the subjects of the military vicariate "everywhere in the world," without prejudice to the right of the military' vicar to limit its exercise, in a disciplinary fashion, to a certain place or to a

certain group; and yet this limitation would not affect the validity of the marriages?

3. If the response to no. 1 is negative, may I request by the present letter to the Holy See the faculty to grant to all chaplains, present and future, of the Military Vicariate of Canada general delegation to assist validly, "everywhere in the world," at the marriages of all the subjects of the Military Vicariate, together with the power to subdclcgate, notwithstanding canon 1096, §1?

Reply. To I an 11: *a}* By law a military chaplain enjoys ordinary power, which the care of souls carries with it, over the subjects expressly entrusted to him; as a result, the power to assist validly at marriages belong to him.

b} Like a pastor, the military chaplain takes possession of his office when the military vicar assigns him *definite* souls to be cared for. This is done by a document and by installation into office.

c) A military chaplain is chaplain not for the whole army but fora *stipulated* part of it entrusted to him. The determination of subjects can be made cither by way of the territory where they dwell or by way of a section of the army or troops.

d) As regards the hearing of confessions, the military chaplain enjoys special faculties in accord with the Consistorial decree, *Sacramentum Poenitentiae,*[1] of 27 November. 1960.

To HI: In order to obtain the requested faculty of general delegation for absolutely all military chaplains to assist at marriages of all military personnel, recourse must be made to the Sacred Congregation for the Discipline of the Sacraments through this Sacred Congregation for Bishops.

The general rule is known: the Sacred Congregation of the Sacraments concedes the said delegation with a certain degree of difficulty and only for directors of chaplains of a given military vicariate who, as is well known, arc, with proper adaptations made, equated with vicars general.

(Private); S. C. Episc., reply, 2 Dec., 1968, Prot. N. 594/51; reported in *Studia Canonica.* 3 (1969),136-137 with annotations on pp. 125-136 (Coulombe).

Military Vicariate: Australia: Paul VI, ap. const., 6 Mar., 1969 (AAS 61-761).
El Salvador: S. C. Episc., 25 Mar., 1968 (AAS 60-531).

1 Reported in *Canon Law Digest,* 5. pp. 334-3 35.

CANON 459

Examination for Appointment to Pastorate: Still in force although the competitive element is abrogated; nature of examination. *See* c. 1357; S. C. Cler., 4 Nov., 1969, n. 18.

CANON 466

Mass For the People: Obligation of Pastors (S. C. Cler., 25 July, 1970) AAS 63-943.

By reason of the apostolic letter, *Mysterii Paschalis,*1 issued *motu proprio* by the Supreme Pontiff, Paul VI, on 15 February, 1969. the new General Roman Calendar began to obtain from 1 January of the current year 1970.

Since, however, serious reasons urged not a few changes and deletions in the calendar which was in effect until now as is set forth in the commentary on the new calendar, this Sacred Congregation for the Clergy', after having attended to present circumstances and having sought the opinion of the episcopal conferences, by mandate of the Supreme Pontiff, establishes the following relative to the obligation of offering Mass for the people:

The obligation to offer Mass for the people which binds pastors of souls, is decreed for all and each of the Sundays and. in addition, for the holy days of obligation which are current in the locality, without prejudice to the rescripts containing a lesser obligation which have been heretofore granted and which continue until their expiration.

The present provision will go into effect on 1 January, 1971.

From Rome, the 25th of July, 1970.

AAS 63-943; S. C. Cler., decree, 25 July, 1970; reported also in *Notitiae*. 6 (1970),380-381. Annotations in *Com. pro Rel., 52* (1971).76-77; Nonnae, 6 (1970),381.

Expelled Pastors: From Eastern Europe but presently living in Germany; faculty renewed for another five years for them to offer Mass *pro populo* only five or six times a year; S. C. Cone., 29 Jan., 1966, Prot. N. 103525/D, S.CClcr., 11 Jan., 1971, Prot. N. 1 32958/1 ; reported in *Archiv K. K.,* 135 (l966).27(); 140 (1971),172; cf. *Canon Law Digest,* 5, p. 337.

'.445 61 (1969),222; Eng. version in *Cath. Mind,* 67 (June, 1969),62-64. *TPS.,* 14 (1969-70), 181-184.

CANON 467

General Directory for Pastoral Ministry to Tourism (S. C. Cler., 27 Mar., 1969; 30 April, 1969) AAS 61-361.

The S. C. for the Clergy issued the following "General Directory for Pastoral Ministry to Tourism," *Peregrinaris in terra.*

I

THE CHURCH AND TOURISM OR PERSONS TRAVELING FOR RELAXATION

The Pilgrim Church on earth which was sent to proclaim the gospel to every creature (cf. *Mk.* 16:15) and carries on the work of Christ who was not sent into the world by His Father "in order to judge the world, but that the world might be saved through Him" (Jn. 3.17), wishes to extend her ministry or service to men in the concrete realities in which men actually find themselves today and which are characteristic of modern civilization.[1] She keeps a scrutinizing eye on the "new ways of thinking, acting and making use of leisure"[2] which render us witnesses of the birth of a new humanism.[3] She is occupied with the transformation of the society in which she herself lives, and with "its expectations, its longings and its inner nature."[4] She "follows with the greatest good will the various and conflicting signs of the world . . . and is drawn to it by a sincere admiration and is moved by a sincere intention not to domineer over it but to serve it, not of despising it but of increasing its dignity, not of condemning it but of bringing to it comfort and salvation."[5]

Among these world changes and wide-scale social phenomena "tourism" certainly stands out. In many countries it constitutes a mass phenomenon of crowds of persons. In many other countries it has already begun or it grows day by day. Because of the forms and manner in which it is carried' on, tourism has already assumed

Cf. Const. *Past, on Church today,* nn. 2 and 3; also Paul VI, homily in 4th session of Vat. Coun. II – *AAS* 58 (1966), 57.

'Const, on Church Today, n. 54.

3Ibid., n. 55.

4Ibid.. n. 4.

[5] Paul VI, Allocution at second session of Vat. Coun. II — /1/1S 55 (1963), 856.

"almost immense"[6] proportions inasmuch as it fosters mutual relationship between all of men's cultures and religions.

1. *New Pastoral Forms or Approaches*

The Church is greatly concerned over the extent and complexity of this new form of use of leisure which often transfers multitudes of persons from their usual residence whether inside or outside the boundaries of their own country and not just for reasons of profit or work.[7] For this reason the Church, in as far as she can, wishes to render her service so that tourism, "supported by a number of sound guidelines and by noble intentions, can be a strong factor in modern cultural formation, a bond of good will and international peace between peoples, an effective phenomenon leading the spirit to ever greater and greater heights completely worthy of God's blessing."[8]

And so the Church, conscious of the many problems which this phenomenon, "a sign of our times," plays in the care of souls, rejects depressing diagnoses and desires to propose remedies so that she may purify and bless the aspirations of today's society "and hand on the gospel message ... hounding it, in a sense, as it undergoes swift and continuous changes."[9] The Church does not say that human and Christian values are endangered by modern tourism but by insufficient spiritual maturity[10] not only of the individual tourist (or of all who service the tourist business in its many forms) but also of the communities from which he comes and into which he enters.

Thus it is clear why the Church, taking obvious note of the repulsive economic and social differences which afflict various peoples and being anxious about not a few of the turbid forms of modem tourism, recognizes the deep values and the specific elements of potential perfection which tourism itself can promote towards the establishment of a new order of human relations. The

6 Paul VI – AAS 59 (1967), 429.

The principal forms whereby tourism is shown are: trips to the countryside, week-ends, trips for thermal treatments, for religious, social, cultural, technological purposes, for conventions, sports, pleasure cruises, etc.

8 Paul VI -AAS 55 (1963), 749.

A *Declar on Christian Education,* preface; cf. also encyc. *Mater et Magistra* MS 53 (1961), 402; Paul VI, homily at 4th session of Vat. Coun. Il AAS 58(1.966), 54-66.

10 Cf. *Const, on Church Today,* n. 13: "Often refusing to acknowledge God as his beginning, man has also disrupted his proper relationship to his own ultimate purpose and at the same time his relationship with himself and with other men and all created things.".

Second Ecumenical Vatican Council itself exhorted the faithful to take advantage of healthy tourism: "Let these leisure periods be properly used for relaxation of spirit and for strengthening mental and bodily health through freely chosen activities and studies; through trips to other regions (tourism) which refine man's natural qualities and also enrich men with mutual understanding; through watching sport events as well as taking part in them which provide help towards preservation of emotional balance, even at the community level, as well as towards establishment of brotherly relations between persons of all conditions, nations and races."[11]

Finally, the growing expansion of tourism, its international dimensions, its intense dynamism, the profound transformations it causes, the serious questions it gives rise to, invite and prompt the Church not to remain "in traditional postures but to search out new pastoral forms,"[12] to prepare timely and appropriate remedies both for the travelers as well as for those who derive their life support and their work from tourism so that men of our time who are, by reason of this phenomenon, "joined together more closely today by various social, technical and cultural bonds, may also achieve full unity in Christ."[13]

?\nalysis of the evolutionary trends of the human community compels one to forsec that leisure time and, as a result, tourism, since it is one of its strong elements, will constitute a great problem for future mankind the more men arc able to solve the more serious economic, social and political concerns in various regions since men, although in varying degrees, will enjoy ever greater freedom either to provide greater opportunity for reflection and enjoyment of God's gifts or to dehumanize them more radically.

Pastors as well as prudent Christians, each according to his capacity, have the responsibility to make efforts that leisure time may turn out to be time for deeper appreciation of their economic, cultural and spiritual riches as well as for greater promotion of tourist time into time for eternal salvation.

11 *Const. on Church Today,* n. 61; cf. also John XXIII — /1/1S 54 (1962). 455-457.

12 Paul VI — L'*Osservatore Romano,* 7 June, 1964.

13 *Dog. Const, on Church,* n. 1; cf. also *Const, on Church Today,* n. 4: . we can already speak of a true social and cultural transformation which also has repercussions on religious life"; *ibid.,* n. 5: . the human race has passed from a rather static concept of reality to a more dynamic and evolutionary notion with the result that there has arisen a vast new scries of problems which call for new analyses and syntheses."

2

Community Responsibility

The evangelization of this age's "social phenomenon"[14] is a task for the whole People of God, clergy and laity, each according to his station. It must make manifest the new boundaries of charity[15] and the solicitude for the new form and structure of the Christian community which tourism is helping to vitalize, expand and transform.

The responsibilities which flow out of that situation are very many and are patent to all if, setting aside all prejudice, they observe the fundamental changes which this form of modern human travel fosters, especially in the minds of the young generations and in the places which are the starting and terminal points of tourism.

The Second Vatican Council exhorted the sacred hierarchy to show special solicitude for the faithful who "on account of their condition of life cannot sufficiently take advantage of the ordinary pastoral services of parish priests or are completely devoid of them. Such persons are the majority of migrants . . . seamen . . . airline personnel, gypsies *and others of this kind.* Appropriate pastoral methods should be developed for fostering the spiritual life *of those vbo for reasons of relaxation* temporarily seek out other regions. Episcopal conferences, especially national ones, should carefully study the more pressing problems facing the above-mentioned groups. Through common agreement and united effort those conferences should look to and foster their welfare by suitable means and spiritual institutions and attend, above all, to the norms already established or to be established by the Apostolic See which can be appropriately accommodated to circumstances of time, places and persons."[16]

With reference to the Christian community, it must consider its responsibility towards all those who enter it as tourists, even though for a short time and no matter what may be their culture or religion. Therefore, the community must receive them "with a sense of active

[14] Paul VI *L'Osservatore Romano,* 17-18 August, 1963; cf. also Pius XII. 30 March, 1952 and 29 October, 1952 *Discorsi e Radiomessaggi,* ed. Pol. Vat., vol. 14, pp. 375-378.

[15] Cf. *Circulares Litterae* of S. Congregation of the Council, n. 104132, issued on 19 March, 1966.

[16] *Deer, on Past. Off. of Bishops,* n. 18; cf. Paul VI: "Individual ecclesiastical authorities have received from God the serious responsibility to exercise spiritual care of the faithful who spend even only a short time in their territory and to provide it in the more suitable forms required by today's pastoral complex" *L'Osservatore Romano,* 8 March, 1964; cf. also Paul VI. Allocution at 4th session of the Council, 14 Sept., 1965 – AAS 57 (1965), 794-805.

hospitality"[17] as well as offer them a consistent witness of faith and charity.

The Second Vatican Council, moreover, reminded the laity not only of its responsibility to penetrate the world "with a Christian spirit,"[18] but also of its responsibility when they travel around for purposes of relaxation, to conduct themselves as "journeying heralds of Christ."[19]

This also holds true for tourist agents who, in the discharge of their activities, experience perhaps greater difficulty than the tourist in offering a consistent witness of faith.

3

Values of Tourism

The considerations mentioned above are fully confirmed by the following.

Although the People of God has become involved, directly or indirectly, in tourism in different degrees and ways, it must be educated to appreciate the authentic values which accompany this phenomenon not only from a purely spiritual but also from a human viewpoint because tourism, among other things, is a means of uniting the human family as well as transforming and elevating it socially·, of consolidating mankind with the rest of the universe; of upbuilding the human person.

More specifically: *a) tourism is a foundation of unity and a stimulus to social transformation and elevation.* If tourism is properly taken advantage of, it contributes to the development of mutual understanding among men and of a sense of hospitality; it diminishes the so-called social and "racial" dissensions·,20 it conquers segregation among peoples by fostering victory over harmful prejudices through encounter with different civilizations and

17 Deer, *on the Latty,* n. 11.

18 *Const, on Church Today,* n. 43; cf. also *Deer, on Christ. Educ.,* n. 2. *Deer, on the Laity,* n. 14; cf. also *Dog. Const, on the Church,* n. 9.

19 Cf. John XXIII: "In the present course of human events in which the society of mankind seems to be entering a new order of things, the hidden plans of Divine Providence must be recognized which, through the passage of time and men's works and often beyond their expectation, achieve their objective and wisely arrange everything, including adverse human situations, to the good of the Church." – Allocution at solemn opening of Vat. Coun. 11, 11 Oct., 1962 AAS 54 (1962), 789. Cf. also *Dog. Const, on the Church,* n. 1; Pius XII, 30 Mar., 1952. in *Discorst e Radiotnessagi,* vol. 14, pp. 39-45.

cultures; it constitutes an obvious economic asset for many countries and promotes new fields of labor whereby the phenomenon of emigration in some regions is restricted; it promotes the progress of unification to which the People of God is aimed.21

Thus, in such wise, can tourism become not only an instrument of fraternal peace and union among peoples but also can promote a ready, real and strong conciliatory force between believers of different religions as well as between non-believers by being turned into an instrument of ecumenical encounter and dialog in a spirit of charity and hope.22

b) Consolidation of mankind with tbe universal world. Tourism, especially in some of its forms, fosters communion of mankind with nature. It promotes appreciation of the resources of nature itself; it uncovers their mutual ties which have been easily exposed by technical processes; it reveals to view the beauties wonderfully strewn throughout creation and forming a common heritage for all mankind.23

These tics are contained in the design of Providence which has entrusted the work of creation to mankind.24 For in man, "because of his bodily composition, . . . the elements of the material world attain their crown and find voice to praise the Creator *in freedom* (cf. Dan. 3:57-90)."25

Good and legitimate is the human aspiration to enjoy created things from which tourism derives strength and which it itself encourages. "Redeemed by Christ and made a new creature in the Holy Spirit, man can and must move the very things created by God. For he receives them from God and respects and reverences them as flowing from the hand of God. Rendering thanks for these creatures to his Benefactor and using and enjoying them in detachment and

■'cf. *Const, on Church Today,* nn. 5 and 24; *Dog. Const, on the Church,* n. 1, also Paul VI: "Nobody is a stranger to the Catholic Church; nobody is excluded from it; nobody is at a distance from it."—Homily at solemn closing ofVat.Coun. II (8 Dec., 1965) – *AAS* 58 (1966), 6.

"Cf. Paul VI in *L'Osservatore Romano,* 23 Jan., 1969; also Pius XII, 5 June, 1952, in *Discorst e Radiomessaggi,* vol. 14, pp. 191-194.

"cf. Pius XII, 29 Oct., 1953 – *ibid.,* vol, 15, p. 448.

Cf.*Const, on Church Today,* n. 12: "**. . . man was created 'to the image of Cod'capable of knowing and loving his Creator, and was established by Him is lord of all earthly creatures (cf. *Gen., I 26, Wisdom.* 2:23) so that he might role them and use them, to the glory of God (cf.*Strarch\Ecclus.* | 17:3-10)."

Cf. alsonn. 14 and 57.

25Consr. *on Church Today,* n. 14.

liberty of spirit, he is introduced to true possession of the world as having nothing, yet possessing all things (cf. 2 Cor., 6:19)."[26]

c) The upbuilding of the human person. Tourism can also be considered as a strong factor in the upbuilding of the human person. In it body and soul, worn out by the grind of work and the daily routine of life, is refreshed-, man affirms his longing for freedom and movement; establishes interpersonal relations in a kind of special context of serenity, of greater confidence and also of fuller readiness for encounter and dialog.

Tourism, if it is correctly lived, also takes on the form of self-education and personal fulfillment, especially by virtue of its cultural element. It is not, then, just a pure escape or a simple relaxation of soul in relationship to the debilitating monotony of a toilsome life, but it can supply a "precious human influence."[27]

Tourism promotes a sense of independence and of reverence for others. It stirs up admiration and centers which direct studies of all kinds. Moreover, by fostering relaxation of spirit, it cultivates certain elements of personality which would otherwise, perhaps, lie dormant.[Q] In this regard, it should be recalled that the Second Vatican Council expressly recommended that workers "should have the opportunity for the free development of the resources and potentialities which, perhaps, they can hardly develop in their professional work."[29]

* ◆ ◆

Often tourism derives its form from the spiritual formation of those engaged in it. It becomes an element of development when a person undertakes it and lives it with an eye to the upbuilding begun by the resurrection of Christ our Lord.[30]

This undoubtedly supposes that the Christian is fully educated to carry out his responsibilities in practice by unhampered decisions and to dispose of his own time personally, especially in the context of the greater independence which he enjoys when he is removed from the place of his customary residence.

26 *Ibid.*, n. 37.

27 *Pius XII, 29 Oct., 1953, in *op. cit.*, vol. 15, p. 449.

28 Cf. Pius XII, 30 Mar., 1952 and 5 June, 1952 – *ibid.*, vol. 14, pp. 43-44 and 193-194.

29 *Const. on Church Today,* n. 67.

30 Cf. *Const on Church Today,* n. 11; *Declar on Christ. Educ.,* n. 3; encyc. *Populorum progressio,* n. 1.

Contrariwise, when a person takes up tourism but lacks sound moral formation, he can become a distracted person, a wanderer, a hasty traveler, a slave of the many media which increasing progress offers him, a superficial person incapable of human dialog, an unconcerned observer of the beauties of nature and of the riches *of* human endeavor, a breathless pursuer of the pleasures of evil experiences, even to the extent of abusing the hospitality afforded him.31

II

PASTORAL PRACTICE32

Effective pastoral organization of the tourist phenomenon demands very careful cooperation on the following levels:

a) the Sacred Congregation for the Clergy (Section for the Pastoral Ministry to Tourism).

b) Episcopal conferences.

c) Dioceses.

1

The Sacred Congregation for the Clergy and the Work of its Section for the Pastoral Ministry to Tourism

In virtue of the apostolic constitution, *Regimini Ecclesiae Universe,* the pastoral care of tourism is listed among the competencies, responsibilities and activities set down for the Sacred Congregation for the Clergy which has a special section, attached to its second office, for the pastoral ministry relative to tourism.

'cf Pius XII: Nor arc there lacking those "who allow themselves things in other regions which their conscience would reproach them for back in the phees of their customary residence." - *Discorsi e Radiomessaggi,* vol. 15, p. 449. also Pius XII, 29 Oct., 1952 — *ibid.,* vol. 14, p. 378.

'"Since the present General Directory envisages pastoral action regarding (he problems raised by tourism for the Church and reserved to bishops insofar is (hey are responsible for the care of souls, it is evident that what is here proposed, refers essentially to questions pertinent to the apostolate arising therefrom. In the drawing up of these various directive norms, the pastoral experience already gained in many regions of different continents has been seriously taken into account.

The principal tasks of this section arc:

– to study the consequences of the tourist phenomenon on the spiritual life of the faithful33 and to consider them in the general social context;

– to coordinate "apostolic endeavors so that adequate response may be given to the new needs of the tourists as well as of the various persons who provide service to them'';34

– to maintain relations with the organs of the Holy Sec whose special competence is to study the problem raised by tourism in the universal world35 as well as with the episcopal conference delegates or commissions for the pastoral ministry to tourism;

– to promote national and international congresses for the renewal of pastoral ministry to tourism without neglecting timely meetings with international organizations of our separated brethren or of the laity with a view to possible peaceful collaboration in spreading the spiritual values of tourism which should stir all men of good will.

2

Episcopal Conferences

As provided for by the *motu proprio, Ecclesiae Sanctae,352* I, η. 9 and in accord with the mind of the *Decree on the Pastoral Office of Bishops,* n. 18, it is absolutely necessary for each of the episcopal conferences, since they have competence to establish concrete, appropriate procedures and conditions for pastoral work, to constitute within its organization a commission or, at least, to delegate a priest to examine the local pastoral needs of tourism, keeping an eye on actual statistics, so that all endeavors affecting the pastoral ministry to tourism may be coordinated as the real needs call for. However, this demands:

a) study "of new forms of presence and of proclaiming the gospel"36 so as to provide for the spiritual needs of Christian tourists as

33Cf. Paul VI in AAS 59 (1967), 429.

34Paul VI: *ibid.*

35 Ever since 1965 the Holy Sec has been an active member of the International Union of Official Travel Organizations (U.I.O.O.T.) and hxs a delegate to that body.

3saThis *niotu proprio* is reported in its entirety in *Canon Law Digest,* 6. pp. 264-298.

'Card. A. Cicognani, *Letter to tbe 71st Congress of Catholic Works* at Annecy, 8 zXpril, 1965; cf. *La Documentation Catholique,* (1965), col. 891.

well as to offer to all tourists of good will an opportunity for fraternal encounter and dialog;

b) organization, animation, revitalization and coordination of pastoral ministry to tourism in the whole country, using also conventions of clergy and laity and without neglecting any aspect proper to tourism;

c) selection and formation of certain priests, not excluding outsiders,31 devoted to serving dioceses in which tourism is highly developed;

d) promotion, if judged useful, of some international meetings of various episcopal conferences concerned with pastoral ministry to tourism.

The above-mentioned commission or priest-delegate should make use of not only duly prepared priests but also and especially of lay persons who are *experts* in this area.

Among the latter it will be smart to include experts in sociology, cultural matters and tourist activities. Especially should there be representatives who exercise authority in the principal airline and steamship companies, tourist agencies, hotels, general tourist centers as well as tourist publications.

Furthermore, episcopal conferences are invited to resolve, in as far as they can, that, particularly at the peak period of tourism, they extend faculties for hearing confession of the faithful to all priests who already possess such faculties in their own diocese. Such extended faculties continue for as long as they are traveling within the total compass of the country or even, in specific cases, when they arc traveling in foreign countries.

Similar norms should be provided also for preaching and for Eucharistic worship, without prejudice, however, to the rights of the local Ordinary.

Relations and contacts, even by means of meetings appropriately arranged, should be fostered with our separated brethren with a view to possible collaboration in the very wide field of tourism and in accord with the norms set down by the Secretariat for Christian Unity.

3
Dioceses
A. General Norms

Since the pastoral problems relative to modern tourism cannot be

37Decr. *on Past Off. of Bishops,* nn. 22 and 30.

effectively solved by the initiative of individual pastors of souls, pastoral action in this area must not be left to the private efforts of each pastor nor can it be carried on except by coordinated mutual action.

After prior consultation with his pastoral council, the local Ordinary will have to prepare concrete programs of action to unite all useful forces so that a truly effective ministry may be arranged and dialog with tourists in general may be established. Both in dioceses of departure as well as in those of arrival, pastoral care of tourists also requires a coordinated assemblage of media and remedies which require a community effort "so that pastoral work in the diocese may not lack unity and may be rendered more effective"[38] by making "harmonious action"[39] certain and effective. As mentioned above, tourism exerts its influence on a wide section of the social milieu and permeates "the mentality and habits of our age."[40] Such effort on the part of the diocese has value even if not all its parishes arc tourist attractions.[41]

Pastoral care of tourists must, then be considered an ordinary and essential part of diocesan pastoral work, especially as concerns:

a) initiatives to advertise knowledge of the values which tourism has for almost everybody;

b) preparation and formation of Christians for healthy enjoyment of tourism;

c) education of the faithful that expenses incurred for tourism are not detrimental to poverty but, on the contrary, tourism, if rightly made use of, produces values for the individual and for society;

d) spiritual assistance for tourists and for all tourist operators as well as for all persons who are dependent upon them.

e) animation of the lay apostolate with regard to tourism[42]

f) proposal of action whereby the practice of worship on the part of our separated brethren may be fostered as will be noted below.

Therefore I. it is necessary to stir up. especially by means of preaching and catechesis, a consciousness of the positive human and Christian values of tourism so that by its use one may possess a joyful participation and communion with the [.ord's resurrection.

[38] *Deer, on Past. Off. of Bishops,* n. 30.

[39] *Ibid.,* n. 17.

[40] Paul VI in *I Osservatore Romano* 18-19 July 1966.

[41] Cf. *Deer, on Past. Off of Bishops,* n. 17: ". . . in given areas of the diocese . . ."

[42] Cf. *Deer, on the Laity,* nn. 5. 13, 14.

2. In order to help the Christian to fulfill his obligations with a more personal and active commitment, it is recommended that inculcation of the aforesaid values be an integral part of scholastic education as well as be brought out by the usual communication media. Thus the human, Christian conscience will be helped to a more-suitable formation "for a genuine solution of the numerous moral problems which arise in the life of individuals and in social relationships'"13 and which are also very often caused by tourism.

J. Clergy and laity should be so trained that, with knowledge of this phenomenon and its positive and negative influence on the care of souls and on the community, they may be able to go to meet, effectively and resourcefully, the spiritual needs brought about by today's tourism so that the Church may enter this field also in a spirit of service in human society.44*

4. The formation of Christians for tourism is completed by celebration of the Eucharist, "the fount and apex of the whole Christian life."15 In the most holy Eucharist the tourists and the personnel of the tourist industry offer the Divine Victim to God and, together with It, themselves46 in their own special of joy, freedom, special enjoyment in the gift of creation, or service for their brethren.

From communion of the Body of Christ they draw the strength whereby, adhering always to baptismal anti moral grace,47 they are fitted to exercise the apostolate which the Church has committed to them and expects from them. Tourism, as a *harbinger of unity and peace,* finds its main axis in the Eucharist which is *the sign of unity and tbe bond of charity* for the People of God48 and which is the basic source of that liberty which knows only how to do good.

Moreover, by participation in the Eucharist, the Christian, like the travelers to Emmaus (cf. *Lk.* 24:13-32), will more easily know how to recognize as brothers in Christ those persons who are fellow tourists with him or whom he comes across along his journey or whom he himself serves.

[43] *Const, on Church today,* n. 16.

[44] Cf. *Dog. Const, on tbe Church,* n. 9; also *Declar. on Christ. Educ.,* n. 3.

[45] *Dog Const, on the Church,* n. 11; cf. also n. 3.

[46] Cf. *ibid.,* n. 11.

[47] Cf. St. Thomas, HI, q. 79, art. 1 and 5.

[48] Cf. St. Augustine, *In loannem,* tract. XXVI, n. 13 *PL* 35, 161 3; also / *Cor.,* 10:17; 12:12; 12:27; *Roni.,* 12:5; St. Thomas, HI, q. 82. art. 7, ad 2; *Dog. Const, on tbe Church,* nn. 3 and 11.

B. Particular Norms

In view of the necessity that the Church continually adjust her pastoral methodology to the new needs of the times and that, faced with the transformations of today's living, she strives "painstakingly to search for a better world,"49 this general directory judgesit useful to propose some concrete observations which must, of course, be adapted in the individual dioceses according to the prudent judgment of the Ordinary and the pastoral characteristics which, naturally, vary – sometimes very greatly –in different regions.50

The local Ordinary has responsibility regarding:

a) *general formation of the clergy:*

– he should provide orientation lectures on pastoral ministry to tourism and also appropriate field work51 (e.g., promotion of trips useful for cultural development), so that future priests may, as it were, be led by the hand to actual pastoral work in this area.

– he should encourage the study of foreign languages among the clergy.53

– he should teach them that disregarding or neglecting dialog with tourists and tourist operators, especially with those who are less religiously observant, is no less serious than the offer of inferior hospitality.

b) *priestly ministry:*

– he should arrange refresher courses or study days on pastoral ministry to tourism for both the diocesan and the religious clergy as well as

49 *Const, on Church Today,* n. 4; cf. also *Deer, on the Laity,* n. 14.

Some observations pertain to the *remote preparation* for the pastoral ministry to tourism, while others pertain to the *proximate preparation.* However, since in the concrete this distinction depends on the different situations proper to the individual dioceses, it has not seemed to be appropriate here to specify these stages. Moreover, it should be noted, as already said above, that what is proposed below to pastors, arc outgrowths of the apostolic experiences communicated to the Section for the Pastoral Ministry to Tourism by many national and diocesan delegates and mainly refer to dioceses which are the destinations of tourists.

51 Cf. *Deer, on Priestly Formation,* n. 21,

Cf. Card. A. Cicognani: "The Supreme Pontiff desires that pastoral theological training on tourism should have its due place in institutes of ecclesiastical and religious formation and that greater collaboration in this regard be fostered between professors and teachers in universities and seminaries." – *Letter* to the Italian Congress of Teachers of Pastoral Theology in *L'Osservatore Romano,* 18 Sept., 1966; cf. also *Decree on Priestly Form.,* nn. 8 and 19.

53Cf. *Deer, on Past. Off, of Bishops,* n. 23.

together with lay Catholics so that they can conveniently compare experiences and specify the helps which the episcopal conference will, perhaps, be able to line up for the appropriate spiritual assistance to tourists, including foreigners.[54]

- therefore, if need be, the episcopal conference should seek out priests from inside or outside the country to help parishes located in tourist spots during the tourist season so that there may be no lack of "priests sufficient in number and quality for the proper care of the People of God."[55]

- he should make sure that the local clergy are actually on hand at the peak periods of tourist traffic although each priest must be given an appropriate vacation at some other time of the year.[56]

- in view of the international characteristics of the tourist phenomenon and in order that the administration of the sacrament of penance may be made easy, he should grant pastors the faculty to delegate priests who are *temporarily* sojourning in their parishes, to hear confessions, at set times, even of foreign tourists, provided that those priests already possess regular faculties in their own diocese.

- he should direct pastors to agree readily to proposals made by by persons for the pastoral care of tourists, whether those persons be parishioners or tourists who arc stopping and living in the parish for several months of the year.

- he should urge those having the care of souls that they should, directly or indirectly, see to it that they meet the greatest number possible of the tourists and tourist operators and they should not forget those who do not profess our faith.

- he should remind traveling priests to carry with them the holy oil for the anointing of the sick.

c) *Worship in tourist localities:*

- in consideration of the pleasure which a decorous plaçc of worship exerts on all, he should see to it that its dignity is always maintained.

- he should also make sure that liturgical services are celebrated at convenient times and with great care, and also that the sacred preaching is suited to the spiritual needs of the guests.[57]

[54] Cf. *ibid.,* n. 16; Deer, *on Priestly Ministry· and Life,* n. 19.

[55] *Decr. on Past. Off ofBishops,* n. 23.

[56] Cf. Card. Λ. Cicognani: *Letter* to 2nd Italian National Convention of Pistors in Tourist Localities – *L'Osseruatore Romano,* 24-25 Oct.. 1966.

[57] Cf. *Instruction on Eucharistic Worship,* n. 19 — reported in *Canon l aw Digest, 6,* pp. 518-549 at p. 529; cf. also *Const on Church Today,* n. 44.

he should promote the celebration of Mass on feast days as well as the administration of the sacrament of penance in the languages best known by the tourists and make appropriate announcement in intelligible form and, if need be, in several vernacular languages.58

– he should promote the celebration of so-called evening Masses on feast days (and their vigils), and of at least one evening Masson weekdays in parishes in tourist localities. Moreover, when such a weekday Mass is celebrated, it will be good, as experience has already taught us, to have a short homily delivered.

– after having carefully considered actual statistics, he should examine the advisability of having Mass celebrated on feast days and Sundays beginning with first Vespers of the Sunday or the vigil.59

– he should make sure that on feast days Mass be celebrated in a properly selected place in camping areas, using, if possible, mobile chapels. He should also foster the presence of special groups so that Christian witness can be tendered to the tourists.

– he should be sure that pastors cooperate, especially on feast days, to provide religious services to priests who arc in transit orare *temporarily stopping* off in their respective parishes.

– he should prescribe that, in the "Prayer of the Faithful" during the tourist season, mention should be made of those actually on tour, urging them to fulfill their Christian obligations, as well as of those who cannot engage in tourism because they are poor, and of those who work in the tourist industry.

– he should arrange that places of worship should be open all day so as to foster the piety of the faithful and to enable them to enjoy looking at notable works of art, if, perchance, any arc preserved there.

– he should provide that part of the offerings collected in the church should go for the necessary services for the care of souls or for promoting dialog with tourists.

– he should exhort contemplative monasteries to offer help through their fervent prayers for the pastoral ministry to tourism.

d) *Religious tourism:*

he should take care that religious tourism (pilgrimages) be more

58Cf. *Circular Letter of S. Congregation of the Council,* n. 104132, 19 Mar., 1966.

59Cf. *Instr, on F.ucb. Worship,* n. 28; cf. by analogy the *Deer, on Orient Churches,* n. 15 – reported in *Canon La-w Digest,* 6. pp. 7-19 at p. 13.

highly esteemed by safeguarding its spiritual mature and the sacred character of the local traditional feast days.

- he should promote esteem of the sanctuaries which exist in the diocese in view of the great contribution they make to the administration of the sacraments of penance and the Eucharist as well as of the influence they exert even on non-practicing tourists.

e) *The Christian people:*

- he should be mindful that pastoral action will be a failure unless there is effective collaboration on the part of the faithful and unless their mode of living their personal and family life of itself alone constitutes solid witness.

-he should not only provide, especially in tourist centers, action for forestalling evils but also for remedying them before and after inception of the tourist season by training the peoples among whom the tourists tarry to offer witness of Christian living, to be charitably hospitable, and to be prudent in the face of novel mental and moral outlooks.

- whete it is possible, especially in mountain areas and in spas, he should collaborate with tourist organizations in furnishing and arranging cultural-religious conferences or meetings, even outside church, to hunt down especially those who are "far out" in their circle or locality.60 To accomplish this objective the collaboration of teachers in training institutions (universities, seminaries, etc.) will be very worthwhile.

- he should cultivate the missionary element of pastoral ministry to tourists by the prior and adequate preparation of those who are going to travel to regions which are either non-Christian or non-believing so that by their very manner of life they may give strong witness of faith, charity and the civic virtues.

- he should be sure to bolster the apostolic contribution of lay Catholic associations to the ministry to tourism, especially among the young.

60Cf. Card. A. Cicognani: "Sufficcnt praise can never be given to cultural-religious initiatives which have already been tried in certain major tourist centers and which have proved to be wonderfully effective in affording the possibility to way-out souls to meet God." – *Letter* to the 1st Italian convention on "Tourism and Pastoral Ministry" in *L'Osservatore Romano,* 6 Feb., 1963;cf. also Paul VI in *L'Oss. Rom.,* 8 Mar., 1964.

– he should promote *social tourism* so as to help to develop the essential values of personal life as well as of real, authentic social life.61

– directly or indirectly he should offer "also to those who lack adequate means, the possibility of finding relaxation and of restoring strength in spots suitable for vacation, in organized trips, in centers for children."62

– he should see to it that due appreciation be had for the monuments of Christian art which exist in the diocese by offering a crystal-clear presentation of their religious significance and, to this end, by promoting the spiritual and cultural training of guides as well as by the thorough preparation of technical instruments useful for appreciating such monuments and for illustrating the Christian manner of life.63

– he should take care that money contributions should not be disgustingly sought in tourist areas.

– he should take care, even by giving an appropriate sermon on a feast day, that the faithful be correctly instructed on Christian discipline on the highways so that the lives of others may not be endangered by automobile drivers.64

– he should foster the diffusion of S.O.S. stickers in vehicles as is already being done to good effect in some regions so that prompt spiritual assistance can be rendered in various instances.

f) *Tourist operators:*

he should develop charitable dialog with all tourist operators, no matter what religion they practice.

– he should sec to the spiritual formation of those Catholic Christians who work in the various sections of the tourist industry (eg., mountain guides, ski instructors, spa personnel, etc.) and should dutifully foster spiritual assistance to innkeepers and their personnel.65

61 Cf. John XXIII in/MS 54 (1962),454; also *Declar. on Christ. Educ.,* n. 2.

62Paul VI in *L'Oss. Rom.,* 7 June. 1964.

63Cf. Paul VI in *L'Oss. Rom.,* 24 Jan., 1969.

64Cf. *Const on Church Today,* n. 30; also Paul VI in MS 57 (1965), 907-909.

,}' Cf. Paul VI in /1/1S 59 (1967), 429. Let it also be recalled that the Supreme Pontiff, Paul VI, on 7 March, 1964, declared St. Martha patron of innkeepers (L*Oss. Rom.,* 8 Mar., 1964).

- where possible, he should render help to priests engaged in the tourist apostolate for ethico-professional training in professional institutes of tourism.

- he should encourage meetings with tourist operators so that their work may be imbued with the spirit of the gospel by: a) getting to know their needs, especially their spiritual needs; b) establishing doser relations with the Church; c) increasing the awareness of their obligations relative to the moral aspects of tourism.66

- with the fraternal consent of the sacred ministers of our separated brethren, he should recommend to innkeepers the advisability of putting a copy of the bible in each room of the inn, as has already been done in different regions, and, if possible, in the languages of the principal tourist groups.

g) *Our separated brethren:*

- in addition to what has already been mentioned in the preceding pages:

a) he should offer to non-Catholic Christians places of worship in accord with the norms of the *Directory on Ecumenism.67*

b) he should invite those having the care of souls to direct non-Catholic Christians to their minister or place of worship, if such exist there, in the spirit of the prescriptions of the above-mentioned *Directory:* for Orientals, in nn. 5 3 and 54 68 for other Christians, in

6*Cf Pius XII, 29 Oct., 195 3, in *Discorsi e Radioniessaggi,* vol. 15, p. 448.

6 Cf. A/IS 59 (1967), 589-592: a) *For Orientals:* n. 52 of the *Directory*

' Because 'common participation in sacred functions, places and things on the part of Catholics and our separated Oriental brethren is allowed for just cause' («e *Decree on Oriental Catholic Churches,* n. 28), it is recommended that with the approval of the local Ordinary separated Oriental priests or communities be allowed the use of Catholic churches, buildings and cemeteries and other things necessary for their religious rites, if they ask for this and have no place in which they can celebrate sacred functions properly and with dignity." b) For *other Christians,* n. 61 of the *Directory* "If the separated brethren have no place to carry out their religious rites properly and with dignity, the local Ordinary may allow them the use of a Catholic building, cemetery or church." |Thc complete Directory is reported in *Canon l aw Digest, 6* pp. 716-7341.

68Cf. /MS, *ibid.,* n. 53: "The authorities of Catholic schools and .nstitutions should take care to offer the Oriental clergy every facility for giving spiritual and sacramental ministration to their own faithful who attend such schools and institutions. As far as circumstances allow, and with the local Ordinary's permission, these facilities can be offered on the Catholic premises, including the church." n. 54: "In hospitals and similar institutions conducted by Catholics, the authorities should promptly advise the Oriental priest of the presence of his faithful, and give him facilities to visit the sick and administer the sacraments to them in dignified and reverent conditions."

nn, 62 and 63.69*

In summary: The local Ordinary should take care that his clergy consider tourists of any nationality, condition, age, religion as persons directed to the People of God and never as strangers to the community of which they are the guardian and pastor of souls.'0

In order that the Ordinary' may be able to secure what was said above71 regarding "the goals of suitable spiritual care,"72 he will have to make sure of a priest or of *ad hoc* commission by analogy with the provision of the *motu proprio, Ecclesiae sanctae,* I, η. 9 (cf. η. 15). 'l his commission will include lay persons who arc experts in tourism and will maintain regular relations with the priest-delegate or with the national commission for pastoral ministry to tourism.

It is furthermore recommended that some members of the afore-said commission, but especially its chairman (if however, there is no commission, then the above-mentioned priest-delegate), also be active members of the diocesan council for priests and pastors.

Finally, all communities, but in a more urgent way those affected by tourism, must carry out their apostolate in accord with the needs as the excursions of people will gradually specify more and more. This demands a spiritual openness and training whose development and scope will be the fruit of the degree of charity which actually animates them and which must "tend to dilate the heart of the Church . . . unto the universal dimension of Christ's plan and charity."73

69Cf. *AAS, ibid.,* n 62: "The authorities of Catholic schools and institutions should take care to offer to ministers of other Communions every facility for giving spiritual and sacramental ministration to their own communicants who attend Catholic institutions. These ministrations may be given in Catholic buildings in accordance with the above, n. 61." n. 63: "In hospitals and similar institutions conducted by Catholics, the authorities in charge should promptly advise ministers of other Communions of the presence of their communicants and afford them every facility for visiting the sick and giving them spiritual and sacramental ministrations."

°Cf. *Deer on Priestly Min and Life,* n. 6: "The local community should not only promote the care of its own faithful but, filled with missionary' zeal, should also prepare the way to Christ for all men."

1 Cf. Card. A. Cicognani. "Pastoral ministry to tourism, inasmuch as it is a part of the so-called 'dynamic' pastoral ministry, depends upon and must be provided for by local Ordinaries." – *Letter* to the 2nd Italian Congress for Pastors in Tourist Localities, *L'Oss. Rom* , 24-25 Oct., 1966.

22Cf. *Deer on Past Off of Bishops,* n. 23.

' 3Paul VI in *L 'Oss Rom* , 20 Jan, 1966.

4

Contribution of Religious to the Pastoral Ministry to Tourism

Inasmuch as religious "serve the good of the whole Church according to their vocation and grace,"74 they can proffer strong assistance to the pastoral ministry to tourism by offering up prayers (cf. n. 23), or by presenting doctrine in accord with their competency, or by making use of the social communications media. Furthermore, since the pastoral ministry to tourism is an clement of "organized pastoral ministry," it must rely on the cooperation of priest-religious7 5 as well as on that of Secular Institutes and of women religious.

Moreover, priest-religious, just as members of other institutes of perfection, can lawfully be required to exercise the apostolate among tourist groups not only because, like all priests, religious ' are associated with the body of bishops,"76 but also because the very "mobility" which is peculiar to them and which founders of religious communities often granted them, seems to be especially suited to this work of the "pastoral ministry complex" and in a real, live manner provides an answer to the experience of the apostolic vocation. All religious, therefore, while preserving their institute's character, specific purpose, healthy traditions, internal discipline, and the authority of superiors, are called as collaborators of the bishops to meet the needs of the People of God, particularly where many of the faithful cannot be rendered service by the ordinary ministerial avenues.

Over and above all this, religious superiors should be invited:

a) to prepare and cultivate splendid collaborators of this kind for (hat very modern form of care of souls by adequate training in formational institutes for pastoral tourism or by participation in congresses organized to update the education of the clergy relative to such forms of the apostolate.

b) to assign to the parishes especially entrusted to religious, priests-religious who arc thoroughly trained to satisfy the spiritual needs of this phenomenon.

4Dog. Const, on the Church, n. 28.

7JCf. *Dog. Const, on the Church,* n. 28; also *Deer, on Past. Off of Bishops.* n. 30.

16Dog Const, on the Church, n. 28.

It will be particularly advantageous to use Secular institutes either as "a service" or as "a Christian witness."

Finally, religious houses which have been set up as hostels or as wayside lodgings in tourist areas, must afford the best example by posting clear notices regarding religious services, by placing a copy of the bible or, at least, of the New Testament in each room, and, above all, by creating for all an atmosphere and contacts which are truly fraternal.

5

Deacons Engaged in Pastoral Ministry to Tourism

Where the permanent diaconate has been re-established by the episcopal conference with the approval of the Supreme Pontiff (cf. *Sanctum Diaconatus Ordinem,1*6,1 I, 1), the work of such deacons, under the direction of their superiors, will be very valuable also in the exercise of the pastoral ministry to tourism. "For strengthened by sacramental grace and in communion with the bishop and his priests," they arc powerful cooperators "in the ministry of the liturgy, of the word, and of charity."77 In order that they may really turn out to be such cooperators, it is absolutely necessary that the dioceses make provision also for their special training in this field of care of souls.

6

The Militant Laity and the Pastoral Ministry to Tourism

The apostolate of the laity is very greatly interested in the general pastoral ministry to tourism either because it is especially the laity who indulge in tourism or because the tourist industry and organization is dependent upon the laity.78

77 RcPortcd in *Canon Law Digest,* 6, pp. 577-584.

Dog Const, on the Church, n. 29; cf. also *motu propno. Sacrum Diaconatus Ordinem,* ηη. 1 and 2.

I-78JhC fU,hCt⅛On| °f -he bity haVC alrcadv becn treated several times in this directory, which also cives references rn certain G°nC;"“r d°CT”””"'s to tourism as treated ,n this sex

As a result, the Church expects from the militant laity not only witness but also intelligent and zealous collaboration on the various levels of the tourist apostolate.

This collaboration will, of course, vary with the variety of the possibilities and situations of each person as well as with the difference in their particular preparation. ‘‘Laymen who have an active role to perform in the whole life of the Church, arc obliged not only to imbue the world with the Christian spirit but are also called to be witnesses to Christ in all things in the midst of the human situation.”79 Of very great importance are also the following words of the Second Vatican Council: “They should cultivate ... a feeling for their diocese . . . always ready, at the invitation of their shepherd, to contribute their energies to diocesan projects . . . the more so because the daily growing mobility of peoples, the increase of mutual needs, and the facility of intercommunication no longer permit any part of society to remain closed in upon itself. Consequently, they should be solicitous about the needs of the People of God dispersed throughout the whole world,’’80 all the more so because laymen “in the area of . . . leisure are better able to help their brethren.”81 Indeed, since they belong to both the People of God and to civil society,82 they have more frequent and obvious occasions for inaugurating dialog with them.

Really, it is to be desired that they become experts either as directors or as similar personnel in the diversified activities of lodging and labor afforded by tourism and thus that they may turn out to be the good leaven found in the flour (cf. *Mt.* 13.-3 3). It is also desirable that militant laymen will also become involved in tourist organizations in non-Christian regions83 which Catholic tounsts seek out.

The collaboration of laymen is particularly recommended to foster:

9*Const. on Church Today,* n. 43; cf. also *l Pet* 2:9-12, *Gal* 4:19; *Dog. Const, on the Church,* nn. 7 and 9; *Declar. on Christ. Educ.,* n. 2.

^*Decr on Laity,* n. 10; cf. also *Const, on Church Today,* n. 5.

*[*Decr. on Laity,* n. 13; cf. also n. 29. “In order to cultivate good human relations, truly human values should be fostered, especially the art of living and cooperating fraternally as well as initiating conversation.” Cf. *Const on Church Today,* nn. 16 and 72; *Deer, on Ecuin.,* n. 12. *Deer on Mission. Act* , n,4L

82Cf. *Deer, on Mission. Act.,* n. 2 1.

83Cf. *tbid.,* n. 41.

a) education on all levels as to the reasonable use of leisure time and, consequently, of tourism.

b) diffusion of knowledge of the positive values of tourism with the help of all forms of social communication.

c) a deeper cultural acquaintance with the function of tourism in the life of man.

d) spiritual training of persons in professional assemblies.

Furthermore, laymen, especially those who are militant, should be persuaded that a healthy tourism demands coordinated efforts not only on the part of individuals but also of groups because it is impossible to promote by individual and disorganized efforts the so-called humanization of so dynamic and irreversible a phenomenon as tourism.

Finally, if it is the task of the hierarchy to teach and authentically to interpret the principles which must be adhered to in this matter and to promote the necessary reforms of structures (demanded by a more solicitous ministry regarding the multiple influences of tourism on the care of souls), it belongs to the laymen particularly, acting on their free initiative and without passively waiting for norms and official directives,[84] to imbue with the Christian spirit minds and modes of conduct, the laws of the community, and attitudes, as well as to make tourism enjoyable in a truly human and Christian manner.

To be sure, "the Church has not been truly established, and is not fully alive, not a perfect sign of Christ among men unless a laity worthy of the name exists and works with the hierarchy."[85]

Wherefore, this General Directory has not failed to recommend that, just as the Second Vatican Council has provided for the diocesan pastoral commission,[86] so also well-prepared laymen should be included among the collaborators of the national or diocesan priest-delegate for the pastoral ministry to tourism (or among the members of the commissions for the said pastoral ministry).

CONCLUSION

In the above discussion it has been clearly proved that tourism has itself afforded, not only to contemporary man but much more so to

84Cf. *Const, on Church Today,* n. 43.

8SOecr *on Mission. Act.,* n. 21; cf. also *Deer. On Past. Off. of Bishops,* n. 30.

86Cf. *Deer, on Past Off of Bishops,* n. 27.

the nun of the future, the occasion of knowing and visiting the whole earth which, in a certain sense, has become too restricted for him and, even more importantly, of encountering other men in a fraternal way.

This basic reality requires the Church to form Christian "adults" who will always and everywhere live in accord with the demands of faith.

Since the pastoral ministry to tourism, considered in its manifold development and its ever new exigencies, is closely associated with "pastoral ministry on the move," it cannot, then, be completely covered by the norms set forth above. However, since those recommendations are the fruit of a long, diffused and confirmed experience, they can help:

- in the general acknowledgement "that human progress can contribute to the true happiness of mankind."87

- in the admission of the overall good which is found in contemporary dynamism.

- in the anticipation of the ever-growing spread of tourism as regards both places and the different sectors of the human family, provided hatreds and wars do not stain the world with blood.

- in the recollection, finally, that tourism can effect social elevation and be a cause of ecumenical activity as well as of union among peoples.

These same recommendations arc meant to afford help to pastors to renew their traditional care of souls and to integrate it with the new social context produced by the phenomenon of tourism.

Finally, the norms of this General Directory propose to foster communion with the God of love on the part of the faithful who enjoy tourism or who labor in its regard,

> "To turn from Him is to fall;
> To turn to Him is to rise;
> To abide in Him is to stand firm;
> To leave Him is to die;
> To return to Him is to be reborn;
> To dwell with Him is to live."88

Given at Rome, on the feast of St. Catherine of Siena, 1969.

Const. on Church Today, n. 37.
88St. Augustine: *Soliloquy,* I. 1, 3 *PL* 32;87O.

OFFICIAL NOTE: *The Supreme Pontiff Pope Paul VI, by letter of His Secretariat of State, n. 128984/SI, dated 27 March, 1969, approved the present General Directory, confirmed it by his authority, and ordered that it become part of public law.*

AAS 61-361; S. C. Cler., General Directory, 27 Mar., 1969; 30 April, 1969. Annotations in *Monit. Eccles.,* 94 (1969), 367-378 (Perisset).

Dress: Choir, for pastors. *See* c. 409; S. C. Cler., 30 Oct., 1970.

CANON 470

Marriage: Registry of mixed. *See* c. 1061; Paul VI, *motu proprio,* 31 March, 1970, n. 10.

CANON 487

Freedom to Live the Religious Life (Prefect S. C. Rel., 23 June, 1964) Private.

The following letter was sent by the Prefect of the S. C. for Religious to the Archbishop of Besancon on the occasion of a congress of priests who were chaplains to communities of religious women.

I hereby acknowledge receipt of Your Excellency's notice to me concerning the "National Congress of Chaplains of Religious Women" which is to be held at Angers on 15-17 of July.

I congratulate Your Excellency on the choice of the theme: "Religious life: a school of liberty." In a special way in these times of ours it is necessary to underline that the religious life which essentially consists in the "search for perfection," aims at the complete development and the maturity of the human person, makes one a sharer in the divine life. For this reason, both in the field of the apostolate as well as in that of sanctity, it is a source and school of Christian liberty.

I gladly take the occasion of the congress to call the attention of the participants to the fact that the religious life requires freedom to embrace it in the fashion in which our Lord and the Church propose it. Consequently, it requires freedom to live it once it has been embraced.

The Church has always upheld the liberty of every Christian to enter the religious life in the sense that no one can be constrained to enter it and in the sense that no one can prevent or dissuade a person from it. Especially in our times the Church expects that respect be given to the freedom of institutes and of their members to live the religious life in the manner in which it has been actually and knowingly accepted.

Providence has enriched the Church with a wonderful variety of religiousfamilies. Each one of these families has its own specific vocation and its own definite mission to develop with the help of particular means. Corresponding to this objective are a characteristic structure and set of features.· spiritual, apostolic, and juridical.

Without doubt the Church concerns herself in a motherly way that each institute constantly renew itself so that it faithfully respond to its proper vocation and mission. This should be achieved through a return to its origins conjoined with an updating in accord with the new exigencies. Nevertheless, the Church certainly does not intend to impose changes in constitutions or life structures which were freely chosen when profession was made and which make up part of the set of features which with the declared and definitive approval of the Holy See characterize the institute.

The stability of the religious state and the bond contracted with profession must guarantee for the person who embraces a definite form of religious life, the freedom as well as the right and the obligation to remain faithful to it till death.

It could happen that the competent authority might find itself in need to decide some changes and adaptations in secondary areas but that could not be true with reference to elements which arc substantial and characteristic of each institute.

New organizations will be able to respond to new ways of envisaging the practice of the evangelical counsels. It will then be the task of the Church to approve them if they meet the requisite conditions. However, nobody can demand that an already existing institute be changed and transformed in opposition to its spirit as that was willed by the founder and sanctioned by the Church.

(Private); Pref. S. C. Ref., Letter, 23 June, 1964.

World Day of Prayer for Vocations (S. C. Rel. et S. !.. 12 March, 1970) Private.

The following was addressed to the president of the Union of Superiors General by the secretary of the S. C. for Religious and for Secular institutes.

Following up on the letter of 2 February last, on the celebration this year on next 12 April of the "World Day of Prayer for Vocations," I hasten to inform you how much follows on the postponement of the referred-to "day" to the following Sunday, 19 April.

In accord with this S. Department, the Sacred Congregation for Catholic Education directed a request to the Sacred Congregation for Divine Worship for some clarifications regarding the liturgical texts to be brought into the celebration of Mass on the occasion of the referred-to "day."

On this subject it pleases me to transcribe for you the reply of the Sacred Congregation for Divine Worship to the questions on the issue:

"(1) It seems good to maintain the connection between these days of prayer and the Sunday of the Easter cycle which is called that of the Good Shepherd.

"In the new arrangement of the liturgical year that Sunday comes about from the postponement of one week and in this way coincides with the fourth Sunday of Eastertide (the third Sunday after Easter according to the previous manner of designation). Consequently, it would seem appropriate also to postpone by one week the celebration of the Day for Vocations.

"(2) By carrying out the above-mentioned postponements, one can very well utilize the liturgical texts of the current Sunday. As a matter of fact, the gospel in all three years of the cycle of readings presents the image of the Good Shepherd. Moreover, the prayers of the Mass in the new missal make reference to such an idea. The homily and the prayer of the faithful can quite well complete the ensemble in the spirit which ought to animate the celebration of this day.

"(3) A timely notice could allow the effectuation of this postponement of date, even as of this year. For those who are using the new lectionary, problems of this sort arc not raised; for those who are still following the existing lectionary in the Roman missal presently in use, there would arise only the slight difficulty of not having the specific text in the Mass, but the same thing is true of the

other World Days of Prayer in their up-to-now traditional arrangement: and that would be only for this year or, at most, for next year. Later on, everything will be brought into harmony with the universal adoption of the new liturgical books.

"(4) It seems less advisable to concede the celebration of a votive Mass on these Eastertide Sundays. Their character of continuation and complement of the Lenten catechesis is important and it would be bad to interrupt it; this is all the truer because the actual texts of the votive Masses for vocations arc completely at variance with the Easter theme."

Supposing that the Sacred Congregation for Catholic Education is about to provide that the above be communicated to the episcopate of the various nations, with a view to avoiding all confusion in the matter, I ask you to inform the Fathers General of this present reply so that they can solicitously provide to bring it to the knowledge of the major superiors of their respective institutes.

(Private); S. C. Rcl. et S.J., 12 March, 1970, Prot. N. 2000/63; Unione Sup. Gen.Cire. 18/70; reported in *Com. pro Re!.*. 51 (1970),184-185.

Virgins: New Rite of Consecration (S. C. Cult. Div., 31 May 1970) AAS 62-650.

The rite of consecration of virgins is counted among the most precious treasures of the Roman liturgy because Christ Jesus bequeathed sacred virginity, an especially exalted gift, to His spouse as a legacy. Consequently, from apostolic times virgins dedicated their chastity to God, thereby adorning the Mystical Body of Christ and enriching it with wonderful fecundity. Provident Mother Church, right from ancient times as the holy Fathers testify has been wont to strengthen the pious and arduous resolve of virgins by a solemn prayer of consecration. In the course of the centuries this prayer, embellished with other sacred ceremonies whereby the significance of sacred virgins as the image of the Church espoused to Christ might be more clearly portrayed, has been made part of the *Roman Pontifical.*

However, the Second Vatican Council stipulated that the rite of consecration of virgins should also be subjected to revision (cf. *Const, on Sac. Lit.,* art. 80).' In obedience to this precept the Com·

l *Canon Ljiw Digest,* 6, p. 54.

mission for the Implementation of the Constitution on the Sacred Liturgy drew up this rite which the Supreme Pontiff, Paul VI, by his apostolic authority, approved and ordered to be published. Wherefore, this Sacred Congregation for Divine Worship, at the special mandate of the said Supreme Pontiff, promulgates it and stipulates that, if it can be done in accord with circumstances, it go into effect on the sixth day of January, 1971, for those nuns who have the right to use it.

Vernacular versions prepared by the episcopal conferences as well as adaptations of the rite should be sent as soon as possible to this Sacred Congregation for confirmation.

All things to the contrary notwithstanding.

From the offices of the Sacred Congregation for Divine Worship, the 31st day of May, 1970, the feast of the Visitation of the Blessed Virgin Mary.

AAS 62-650; S. C. Cult. Div., decree, 31 May, 1970. The original of this decree had the Prot. N. 600/70.

Note: The following norms were not published in A/1S but arc appended to the decree as it appears in *Commentarium pro Religiosis,* 51 (1970),373-375, and in *Notitiae, 6* (1970),314-316.

I The Nature and Force of the Consecration of Virgins.

1. The custom of consecrating virgins, which also flourished in the early Christian Church, brings it about that a solemn rite be established whereby the virgin is constituted a sacred person, a transcendent sign of the love of the Church for Christ, an eschatological image of the heavenly bride and the future life. By the rite of consecration the Church makes manifest her love of the virginal state, beseeches the heavenly grace of God for virgins and earnestly asks for the pouring out of the Holy Spirit.

II. The Main Duties of Virgins

2. As is clear, sacred virgins, impelled by the Holy Spirit,vow their chastity so that they may love Christ more ardently and serve their brethren more effectively.

Christian virgins, each according to her state and her charisms, must spend their time in works of penance and mercy, in apostolic activity and holy prayer.

To discharge their duty to pray, sacred virgins are strongly encouraged to recite daily the Divine Office, especially Lauds and Vespers; by thus joining their voice with Christ, the high priest, and holy Church, they will praise the heavenly Father without ceasing and intercede for the salvation of the whole world.

III. The Women on Whom the Consecration of Virgins Can be Bestowed

J. Both nuns and women leading their life in the world can be admitted to the consecration of virgins.

4. For nuns it is required that:

(a) they have never entered into marriage and have not publicly or openly lived in a state contrary to chastity.

(b) they have made perpetual profession either in the same rite in which they are consecrated virgins or at a previous time.

(c) their religious family employs this rite as a result of ancient custom or by a new grant of permission from the competent author-

ity.

5. For virgins living their life in the world it is required that:

(a) they have never entered into marriage and have not publicly or openly lived in a state contrary to chastity.

(b) by their age, their prudence, and their universally approved pattern of life, they give evidence that they will persevere in their dedication to a chaste life and to the service of the Church and of their neighbor.

(c) they be admitted to the consecration by their bishop, the local Ordinary.

On the other hand, it belongs to the bishop to stipulate in what way and according to what plan of life virgins who lead their life in the world are to obligate themselves to perpetually embracing the virginal life.

IV. The Minister of the Rite

6. The minister of the rite of consecration of virgins is the bishop who is the local Ordinary.

V. The Form of the Rite

7. For the consecration of virgins living their life in the world the rite described in chapter I is to be used.

But for the consecration of nuns the rite proposed in chapter II must be followed, namely, that in which the religious profession and the virginal consecration will be appropriately interwoven. Nevertheless, for a just cause, these rites can be separated, c.g., where this results from ancient custom. However, care shall be taken lest certain parts of the rites be duplicated; the two liturgical actions should be so arranged that in the rite of profession only those matters which pertain to profession are performed and every prayer of consecration omitted; the prayer, *Deus, castorum corporum,* and other matters which reflect an espousal character, e.g., the bestowal of the ring, should be reserved for the rite of consecration.

The parts of the rite are:

(a) The roll-call of the virgins.

(b) The homily or address in which the people and the virgins are reminded of the benefit of virginity.

(c) The interrogations in which the bishop inquires whether they are prepared to persevere in their proposal of virginity' and to receive the consecration.

(d) The supplications of the litany whereby prayer is directed to God the Father and the intercession of the most holy Virgin Mary' and all the saints is sought.

(e) The renewal of the proposal of virginity (or the act of religious profession).

(f) The solemn consecration of the virgins whereby Mother Church entreats the heavenly Father to pour out the gifts of the Holy Spirit abundantly upon the virgins.

(g)I he handing over of the insignia of consecration by which the internal consecration is externally manifested.

VI. Tbe /Mass to be Used in the Rite of Consecration of Virgins

8 It is advisable to say the ritual Mass "on the day of consecration of virgins/' On the other hand, if a solemnity occurs or a Sunday in the season of Advent, Lent or Easter, the Mass of the day

is said but with the observance of the proper formulae in the eucharistie prayer and in the final blessing in keeping with the occasion.

9. Since, however, the liturgy of the word, adapted to the celebration of the consecration of virgins, has great power for illustrating the benefit of virginity and its tasks in the Church, when the Mass "on the day of consecration of virgins" is prohibited, it is permissible to take one reading from those which are given in the special lectionary; excepted, however, are the holy week tridûum, the solemnities of Christmas, Epiphany, Ascension, Pentecost and Corpus Christi, and other solemnities which are holy days of obligation.

10. For the celebration of the ritual Mass "on the day of consecration of virgins" white sacred vestments are used.

Evangelical Witness of the Religious Life (Paul VI, 29 June, 1971) AAS 63-497.

Following in the "apostolic exhoration *[Euangelica testificatio],* to the members of each and every religious family in the Catholic world on the renewal of religious life in accord with the teachings of the Seconf Vatican Ecumenical Council."

1. The evangelical witness of the religious life clearly manifests to the eyes of mankind the primacy given to the love of God and, indeed, with such vehemence that thanks must be given to the Holy Spirit With simplicity as John XXIII, Our predecessor of happy memory, did shortly before the celebration of the Second Vatican Ecumenical Council1- We wish to tell you how great is the hope stirred up in Us by the spiritual magnanimity of those men and women who have consecrated their lives to the Lord in the observance of the spirit and practice of the evangelical counsels. We also wish to help you so that, adhering to the teaching of the Second Vatican Council, you may continue the journey of the followers of Christ which you have undertaken.

2. In doing this, We arc led on by the idea of countering the anxiety, the state of uncertainty of mind and the inconstancy which some manifest and, likewise, of confirming those who are seeking out genuine renewal of the religious life. Certain changes which have been boldly and arbitrarily introduced, excessive distrust of the past

'Exhortation to the nuns and sisters of the whole Catholic world, // *tempio massimo, 2* July, 1962 (/IAS, 54 [1962),508-517).

even when this past testifies to the wisdom and vitality of the ecclesia! traditions, an attitude of mind striving unduly to conform too hastily to great changes which agitate our times: all these things have, perhaps, moved some to think that the special forms of religious life are destined to die. Have not some gone so far as to appeal to the Council against human and divine law with the intent to call into question the very foundation of religious life? On the contrary, it is perfectly evident that the Council attributed to this *special gift* a singular place in the life of the Church inasmuch as those who have accepted it, are by its help more conformed *to the form of life of virginity and poverty which Christ, the Lord, chose for Himself and which His Virgin Mother also embraced.*2 Furthermore, the Council showed the ways whereby the said gift should be renewed in keeping with the teaching of the gospel.3

3. The tradition of the Church from its very beginning-is it necessary to recall this to mind? —holds out this outstanding witness of constant endeavor to seek God, of unique and undivided love of Christ, of devotion of oneself absolutely to the growth of His kingdom of love. If this sign is removed from open view, there is danger that the very charity whereby the universal Church is nourished, would grow cold; that that wonderful salvation message of the gospel, which is contrary to common opinion, would be blunted; that the *salt* of faith would vanish in a world which today approaches secularization. From the first centuries, in addition to the martyrs confessing Christ in an heroic manner, the Holy Spirit has stirred up the admirable fortitude of the disciples and of the virgins as well as of the hermits. This was already a kind of foreshadowing of the religious life which was daily growing so that by a kind of progression it blossomed and was distinguished by differing forms of life, common and solitary, so that it responded to the pressing invitation of Christ: *There is no one who has left home or wife or brethren or parents or children for the sake of the kingdom of God who will not be given repayment many times over in this present time and, in the world to come, eternal life?*

Who would dare to affirm that that invitation no longer has the same force and vigor; that the Church could do without such outstanding witness of the love of Christ transcending nature; or that the world could, without detriment to itself, allow those lights to be

2Cone. Vac. 11, *Dog. Const, on the Church,* chap. 6, n. 46.
3Conc. Vat. II, *Deer on Ret. Life.* ΛAS, 58 (1966), 702-712.
**Lk* 18:29-30.

extinguished which proclaim the kingdom of God with that liberty which is not obstructed by obstacles and which is daily expressed in living by thousands of the Church's sons and daughters?

4 Beloved sons and daughters, by carrying out the evangelical counsels, you have wished to follow Christ more freely and imitate Him more closely. You have dedicated your whole life to God through a special consecration which is based on baptismal consecration as on a root and which expresses it more fully. Would that you could mentally grasp the enormous esteem and affection with which We pursue you in the name of Christ Jesus! We commend you to Our dear brothers in the episcopacy who, together with the priests, their cooperators in the priesthood, perceive their conscience responsibility with regard to the religious life. Wc also ask the laity to whom *secular duties and activities properly belong although not exclusively,*5 to understand how strongly they are stimulated by you to search out that holiness to which they also are called by their baptism in Christ to the glory of the Father! 6

5. Without doubt it appears that not a few of the externals mandated by founders of orders and congregations are obsolete in these times. Some of them, piled up in the course of the centuries, which burdened religious life and made it rigid, should be mitigated. Accommodations must be made and, with the approval of the Church, new forms can be sought out and brought in. This is the very plan which, for several years already, the majority of religious institutes have been enthusiastically pursuing by bringing in new experimental types of constitutions and rules sometimes too rashly. We have, of course, obtained knowledge of this activity and arc carefully attending to these attempts at the renewal sought for by the Council.7

6. But how should We assist you so that you may correctly discern matters, as must be done, in this dynamic, advancing activity itself in which there is always danger that the spirit of the world may' be mingled with the action of the Holy Spirit? How can that which is essential be safeguarded or obtained by pursuit? How should the experience of past ages and the rethinking of present times be con-

5Cf. Cone. Vat. 11, *Const, nn Church Today,* n. 43.

^Cf. Cone. Vat. II, *Dog. Const, on the Church,* chap. 5.

Cf. *motu proprio, Ecclesiae Sanctae AAS,* 58 (1966),757 ff., S. C. Rel. et S. I., instr. *Renovationis causam AAS,* 61 (1969),103 ff.; both documents reported in *Canon Law Digest,* 6. pp 264-298, and 7, pp. 489-508 respectively.

verted to proper use so that this form of evangelical life may be strengthened?

In keeping with the singular responsibility and office which God has laid upon Us in His Church - that We *must strengthen Our brothers*6 — We wish, for Our part, to lead you on so that you may advance with greater security of mind and more joyful confidence along the path which you have chosen. In *the pursuit of perfect charity** by which your life is governed, in what other way must you conduct yourselves than by being prepared to comply completely with the Holy Spirit who, acting in the Church, calls you to the liberty of the sons of God? 10

I

7. Beloved sons and daughters, by freely responding to the invitation of the Holy Spirit, you have decided to follow Christ and vow yourselves to Him completely. The evangelical counsels of chastity consecrated to God, of poverty, of obedience have already turned out to be the laws of your life. Indeed, as the Council reminds us, *under the leadership of the Holy Spirit, Church authority itself has taken care to interpret those counsels, to regulate their practice, and even to establish stable forms of living according to them.*11 It is in this way, indeed, that the Church recognizes the counsels and renders authentic the kind of life which is brought about by profession of the evangelical counsels. *By vows and other sacred bonds, which in their own proper characteristics are like vows, the faithful member of Christ obligates himself to the three above-mentioned evangelical counsels and hands himself over totally to God as the One most loved. . . . Through baptism, indeed, he died to sin and was consecrated to God. On the other hand, in order tHt he may be able to reap richer fruit from bis baptismal grace, he intends, by profession of the evangelical counsels in the Church, to free himself from the obstacles which can withdraw him from fervor of charity and from perfection of divine worship, and to consecrate himself more wholeheartedly to divine service. This consecration, however, will be so much the more perfect, the more firm and stable are the*

**Lk. 22.32.*

9Cf. Cone. Vat. 11, *Deer, on Rel. Life,* n. 1.

10Cf. *Gal.* 5:13; 2 *Cor.* 3:17.

11 Cone. Vat. II, *Dog. Const on the Church,* n. 43.

bonds whereby he is better represented as joined by an indissoluble tie to Christ and to His spouse, the Church.[12]

This teaching of the Council puts in clear light the magnitude of this gift which you yourselves freely decided to give and which, like the gift made by Christ to His Church, is just as absolute and irrevocable. For the sake of the kingdom of heaven itself, you have generously and without exception vowed to Christ your power to love, your desire to possess, your freedom to arrange your own life-gifts which are so excellent in the eyes of every man. This is the kind of consecration which is yours and which is carried out within the Church and through her ministry either on the part of those who act in her person and receive the religious profession or on the part of the Christian community which lovingly recognizes, accepts, fosters and embraces those who spend themselves within its bosom as a living sign *which can and ought to attract effectively all members of the Church to prompt fulfillment of the duties of their Christian vocation . . . especially since the religious state manifests to all believers the heavenly goods already present in this world.*[13]

8. Some of you have been called to the life which is called contemplative. Λη attraction which cannot be resisted draws you to the Lord. Taken possession of by God, you submit yourselves to His most powerful action whereby you are raised to Him and transformed into Him at the same time that you are prepared by that action for that eternal contemplation which is our common vocation. How will it be that you advance on this path and faithfully guard the grace which animates you unless, with your whole soul and life and motivated by a dynamic power whose force is love, you give yourselves to this call which steadily directs you to God? Consequently, consider every other kind of action which you must perform, such as fraternal relations, gratuitous or gainful work, necessary relaxation and similar occupations, as a witnees which you render to God of your intimate union with Him so that He will grant you that purity of intention which reduces all things to one and which is so necessary in order that a person may be joined to Him at the time of prayer. Thus you will contribute to spreading the kingdom of God by the very witness of your life and *by a hidden apostolic fruitfulness.*[14]

[11]*ibid.,* n. 44.

[13]*Ibid.*

[14]Conc. Vat. II, *Deer, on Rel. Life,* n. 7.

9. Contrariwise, others are dedicated to the apostolate and, indeed, to its main pertinent mission of proclaiming the word of God to those whom He sends to meet them and of leading them to faith. Grace of that kind demands close relation with God so that with its support you may be able to transmit the message of the Incarnate Word, using, of course, terms which mankind will be able to understand. How very necessary it is, then, that your whole life should make you partakers of His passion, death and glory.15

10. But if you are led on by your vocation to undertaking other tasks in the service of mankind, such as pastoral life, sacred missions, scholastic education, works of charity and similar activities, is it not the ardor of soul whereby you cling to God, that will make those tasks fruitful, and, to be sure, in proportion to this union with God which takes place *in secret?* 16 If we wish to follow the teaching of the Council faithfully, *should not the members of each institute, seeking God alone and above all, conjoin contemplation, whereby they adhere to Him in mind and heart, with apostolic love, whereby they strive to associate themselves with the work of redemption and to spread the kingdom of God? 17*

11. Only in this way will you be able to rouse the minds of men to embrace the truth and divine love in accord with the charism of your founders whom God raised up within His Church. Not otherwise does the Council rightly impress on religious of both sexes the duty of remaining faithful to the spirit of their founders, their evangelical goals and their examples of holiness. Religious must recognize this as one of the principles for the renewal now to be carried out and as one of the most reliable criteria for the work which each institute should undertake.18 In reality, the charism of religious life, far from being a sort of impulse arising *from blood or from the will of the flesh'9* or from a mental attitude which *is conformed to this world,2"* is the fruit of the Holy Spirit, always at work within the Church.

12. It is from this source, assuredly, that each religious family will draw its own dynamic power since, indeed, the divine call,

15Cf. *Phil.* 3:10-11.
16Cf. Alt. 6.6.
17Cf. Cone. Vat. II. *Deer, on Rel. Life,* n. 5.
18Cf. Cone. Vat. II, *Dog Const. on the Church,* n. 45; *Deer, on Rel. Life,* n >.
19Cf. *Jn.* 1:13.
20Cf. *Rom.* 12;2.

although renewed and distinguished according to the changing circumstances of place and time, nevertheless always demands a certain constant course. The ardor of soul which responds to it, opens up in the very life of a person certain primary and principal paths which are chosen. However, fidelity to those things which arc postulated by these paths is, as it were, the test of the authentic nature which sets off religious life with advantage. Let us not forget this: even' human institution is, as it were, a subject for that disease whereby parts become hardened and is pressed by the threat of some meaningless observance. External concern with laws of itself is not sufficient to safeguard excellence of life and constancy of action. As a result, external forms of that kind must be vivified without intermission by this internal striving of the soul without which those forms would speedily become an excessive burden.

In this variety of forms which give each institute its own proper character and which are based on the fulness of the grace of Christ,*l the following of Christ in accord with the gospel teaching must be held as the supreme rule of religious life and its most certain norm. Is it not this study, carried on through the course of the centuries, that postulates a life which is chaste, poor, and given to obedience?

Il

1J. Only the love of God - it must be repeated stirs up persons in a way which has the greatest incentive to embrace chastity. This love demands fraternal charity so imperiously that a religious lives with his equals more deeply in the heart of Christ. If this condition is preserved, the gift of one's self, whereby one devotes himself to God and to others, will be a source of tranquil peace. Without looking down in any way on human love and marriage is not mamagc, according to faith, the image and the sharing of a union effected by love which unites Christ with the Church? 22 chastity-consecrated to God more closely recalls this unity and brings about that overcoming of one's self for which all human love should strive

In this very age, therefore, which like none before is infected with

llCi.Rom. 12 2.

"Cf. Cone. Vat. If, *Const, on Church today,* n. 48; cf. *Eph.* 5 25 and 32.

eroticism, the devastator, chastity today must be comprehended in the highest degree and cultivated in daily life with uprightness and magnanimity. Chastity, an altogether *positive* virtue, testifies to a love whereby God is preferred to all others and in a most magnificent and absolute manner it signifies the mystery of the union of the Mystical Body with its head as well as of the bride with her eternal bridegroom. Finally, it affects and transforms a person and prevades him, reaching to the innermost depths of his soul by a kind of secret likeness with Christ.

14. Therefore, beloved sons and daughters, it is necessary to restore total effectiveness to the Christian spiritual discipline of chastity consecrated to God. When this virtue is truly practiced in daily life for the sake of the kingdom of heaven, it liberates a person's heart and thus turns out *as being a sign and stimulus of charity* and, *indeed, a special source of spiritual fecundity in tbe world.2"** Although consecrated chastity is not always acknowledged by the world, nevertheless it exerts its mystical effectiveness in the world.

15. As regards ourselves, however, our mind's opinion must continue firm and certain, namely, that the excellence and fecundity of chastity observed in religious celibacy for the sake of love of God ultimately rests, as on a foundation, on the word of God, the teaching of Christ, the life of His Virgin Mother, as well as on the apostolic tradition which has been constantly preserved by the Church. There is question of a precious gift which the Father bestows on some persons. Since, however, it is fragile and easily vulnerable because of human weakness, it is open to the contradiction of pure reason and, in part, cannot be comprehended by those to whom the light of the Word Incarnate has not been revealed how he *who shall have lost his life* for Him, *finds it 25*

16 As chaste followers of Christ, you also strive to live a poor life after His example relative to the use of the goods of this world which are necessary for your daily sustenance. Besides, on this matter our contemporaries especially press you with questions. Without doubt religious institutes must discharge an assignment of great importance in the works of mercy, in rendering assistance to the wretched, in social justice. In the discharge of this ministry, these

' Ct. allocution to the Icams of Our Lady assembled from various nations, 4 May. 1970, n. 4 (/MS 62 [1970),429).

24Cf. Cone. Vat. II, *Dog. Const, on the Church,* n, 42.

2SCf.Afr. 10 39. 16:25;M*. 8:35; *Lk.* 9:24; *Jn.* 12:25.

institutes must always attend to the gospel demands with the purpose of accommodating themselves to present necessities.

17. You hear *the cry of the poor,*[24] which was never more importunate, coming from those who themselves are indigent and who are at the same time oppressed by misery. Did not Christ come to comply with the call of those who enjoy, as it were, the special right of sons of God,[25] going so far as to become one with them?[26] In a world making the greatest progress, these always-with-us miserable multitudes and individuals with a fierce warning ask for a change of ideas and attitudes[29] which pertains especially to you who are following Christ more closely in His earthly condition of emptying Himself.[30] We are in nowise ignorant of the fact that this call resounds so excitedly and sharply within your souls that some of you at times are even tempted to violent action. And yet, as disciples of Christ, how could you enter upon a path other than that which He Himself trod? His path, as you know, is not a kind of political or this-world belief and zeal, but an exhortation to a change of heart, to liberation from every kind of earthly encumbrance, to love.

18. How, then, will you respond to the cry of the poor in your life? That cry must, first of all, inhibit you from occupying a middle ground with respect to any form of social injustice. That cry, moreover, binds you with the obligation to arouse the conscience of men by keeping in view the very great misery and the demands of social justice which the gospel and the Church teach. That cry stirs some of you to become poor in the same condition as they and to participate in their bitter anguish. Again, it calls not a few of your institutes to change some of their specific works so that they may benefit the poor, a move which has already been generously made by many. Finally, it imposes upon you a use of goods which is circumscribed by the limits of those things which are required for the discharge of the functions which you must fulfill. You must in your daily life give evidence, also externally, of genuine poverty.

19. What witness docs a religious give who allows himself to be drawn on by the pursuit of his own convenience and to whom it appears completely normal that without any discernment and

26Cf.ft. 9:1 3; *Job* 34:28; *Prov.* 21:13.

27Cf. L*. 4:18; 6:20.

“Cf.Aft. 25:35-40.

2,Conc. Vat. II, *Const, on Church Today,* n. 63.

30Cf. *Mt.* 19:21; *2 Cor.* 8:9.

moderation he takes for himself whatever is offered him and that in a way of life and in a world which are characterized by an exceedingly marvelous line of almost infinite material growth? When, therefore, many find themselves in greater danger where it happens that they are ensnared by the allurement and security of possessions, learning and power, the call of God places you on the pinnacle, as it were, of the Christian conscience inasmuch as you must remind men that their real and absolute progress consists in this: that they respond to their calling whereby *they, as no less than sons, share in the life of the living God, the Father of all mankind.*31

20. Likewise, you perceive the complaint of so many human lives which are tossed about, as it were, in an implacable whirlwind of labor to make money, of profit to furnish pleasures, of things which are consumed and which, in turn, impose a struggle of force which is, at times, inhuman. Therefore, one of the primary reasons for your poverty will be to give witness to the proper meaning of human labor which should be carried on with liberty of spirit and restored to its own nature which is to help to sustain life and to render service. Did not the Council very opportunely declare that you are of necessity subject to *the common law of labor?* 32 This, then, is the duty by which you are bound: to make provision for your own life and that of your brothers and sisters and to relieve the poor by your labor. However, your activity may not oppose the vocation of your various institutes and habitually bring in labors which are of such a kind that they would be substituted for the particular works proper to those institutes. If this path is followed, it will necessarily turn out that you are somehow led along to entering upon a secular way of life with consequent detriment to religious life. As a result, be watchful of the spirit which moves you. Assuredly, what shipwreck you would suffer if you were to think that you have value only from the wages you receive for worldly work!

21. The necessity of fraternal sharing which is so strongly proclaimed today, must retain its evangelical value. As it is written in the *Didache: . . . if you are sharers in immortal things, how much more are you in mortal things?* Poverty which is really reduced to practice by living it, inasmuch as goods, not excluding wages, are put into a common pool, bears witness to the spiritual communion

31 Paul VI, encyc. *Populorum progressio,* n. 21 (AAS, 59 [1967],268).
32 Conc. Vat. II, *Decr. on Rel. Life,* n. 13.
33 *Patres Apostolici,* IV, 8, ed. Fr. X. Funk, Tubingen, 1912.

which binds you together. It is, as it were, a powerful exhortation addressed to all the rieh and bringing relief as well to your brothers and sisters who are vexed by want. The desire which everyone legitimately has of taking responsibilities upon oneself is manifested not by enjoying one's own returns but by sharing the common goods in a fraternal spirit. On the other hand, the forms of poverty for individuals and for each community depend upon the nature of the institute and the form of obedience practiced therein. Thus, in accordance with each one's particular vocation, the character of subjection which exists in every form of poverty is actualized.

22. As you are aware, beloved sons and daughters, the needs of mankind today, if you experience them in union with Christ, provide greater stimulus to your poverty and render it more perfect. Although, as is evident, consideration must be taken of the persons among whom you live so that you may adapt your mode of life to theirs, nevertheless, you may not solely and simply conform your poverty to their way of living. Its witness value comes to it from magnanimous obedience to the gospel teaching – while you adhere with complete fidelity to your vocation – and not simply from a kind of desire to display poverty, a mode of action which can be excessively trivial and fluctuating. On the other hand, external ways of life must be avoided which smack of ovcrelcgance and vanity. There are certain circumstances, We admit, in which the laying aside of a form of religious dress can be approved. But yet We cannot pass over in silence how fitting it is that there be a habit for religious men and women which, as the Council wished, should be a sign of their consecration[34] and to some extent distinguishable from clearly secular fashions.

23. Does not the same fidelity inspire your profession of obedience in the light of faith and in accord with the very driving force of the charity of Christ? By this profession, indeed, you completely immolate your will and you more certainly and more securely penetrate into His plan of salvation. Following the example of Christ who came that He might do the will of His Father and united with Him who *learned obedience from His sufferings and ministered to His brethren, you are bound over more tightly to the service of the Church* and the brethren.[35]

34Cf. Cone. Vat. II, *Deer, on Rel. Life,* n. 17.

3$a.ibtrf.,n. 14Jn. 4:34; 5:30; 10:1 *5-lS.Heb.* 5:8.10:7; *Ps* 40 (39):8-9.

24. That evangelical longing for brotherliness was graphically expressed by the Council, especially when the Church defined herself as the *People of God* in which the hierarchy is at the service of the members of Christ who are united among themselves by the same charity.[36] In the religious state just as in the whole of the Church, the same paschal mystery of Christ is cultivated by living it. The deepest sense of obedience is declared by the fulness of this mystery of death and resurrection in which the supernatural destiny of mankind is singularly and completely perfected because it is by sacrifice, suffering and death that man approaches true life.

Therefore, to exercise authority among your brothers is the same thing as to be at their service[37] after the example of Him who gave *His life as a ransom for many.*[38]

25. Therefore, authority and obedience, in their service to the common good, are exercised as two complementary aspects of the same act of participation in the offering of Christ: those who act in virtue of possession of authority must execute among their brethren the love-filled plan of God: on the other hand, the religious, by obeying their precepts, follow the example of our Master[39] and associate themselves with the work of salvation. Consequently, authority and individual liberty are not only not in mutual opposition but proceed together in the fulfillment of the will of God which is searched out in a brotherly manner through a dialogue, based on trust, between the superior and his brother when there is question of a personal matter, and through agreement of a general character when the matter looks to the whole community. In this pursuit religious should abstain both from excessive mental agitation and from anxiety to make the drawing power of daily-aired opinions prevail over the deepest meaning of religious life. Each one, but especially superiors and those who discharge assignments among their brothers or sisters, is in duty bound to rekindle in their communities the certitude of faith whereby communities should be governed. The aim of that pursuit is that such certitude be more deeply perceived and transferred into the practice of daily living in accord with the needs of the time but by no means is it to be made a matter of controversy. This work of joint searching must be terminated, if the case warrants it, by the judgment and will of superiors whose

3,'Cf. Cone. Vat. II, *Dog. Const on the Church,* chapters I-III.
37Cf. *Lk.* 22:26-27 *Jn.* 13:14.
38A1r. 20:28; cf. *Phil.* 2:8.
39Cf. *Lk.* 2 51.

presence, recognized for what it is, is absolutely necessary for every community.

26. Present-day conditions of life have their impact, as is evident, on the manner in which you exercise obedience. Many of you carry on part of your work outside your religious houses and undertake assignments for which you are suited by reason of special competence. Others, again, are led on to form themselves into groups dedicated to some specific work and subject to their own direction. Does not the risk which is imminent in conditions of that kind recommend that the sense of obedience be strengthened and more diligently cultivated? However, in order that this effort may bring about real practicality, some conditions must be observed. Investigation must first of all be made as to whether the work undertaken squares with the vocation of the institute. It is also appropriate that each sphere be accurately defined. It is most important, however, that one be able to pass from the external activity to the demands of common life. In this matter care should be taken that the full effectiveness of those elements of the religious life in its proper and genuine meaning be safeguarded. One of the main duties binding on superiors is that they provide for their brothers and sisters in religion those conditions which arc necessary for their spiritual life. But how can they do this unless the total community works together trustfully?

27. We would also like to add this: the more you shoulder the part of your responsibility, the more necessary it is that you renew the gift of yourself as regards its full significance. The Lord commands each one *to lose bis life,* if he wishes to come after Him.[40] You will observe this prescription if you will accept the directives of your superiors as the bulwark of your religious profession which is *the total dedication of one's will as a sacrifice of oneself offered to God.*[41] Christian obedience is the absolute and totally unconditional submission to the divine will. On the other hand, your obedience is stricter because by it you have given yourselves to God in a special way and your ability to choose is restricted by the duties you yourselves have undertaken as by limits. The condition in which you now find yourselves, however, has its origin in the complete act of your own liberty. As a result, you must always render it more vital either by your own endeavor or by the assent you give to the precepts of

40 Cf. iW., 9:23-24.

41 Cf. Cone. Vat. 11. *Deer. on Rel. Life,* n. 14.

superiors. Among the benefits of the religious state the Council numbers *liberty strengthened by obedience*[42] and using these words reminds you that *religions obedience, far from diminishing the dignity of the human person, leads it on to maturity by the enlarged liberty of the sons of God?*[43]

28. And yet, is it not possible that a conflict be had between the authority of the superior and the conscience of the religious, that *sanctuary of a person where he is alone with God whose voice resounds in bis depths?* [44]* We must repeat this: conscience is not the one and only arbiter of the moral quality of the actions it prompts, but it must be referred to *objective* norms and, if necessary, it must be corrected and rightly directed.

Prescinding from the case in which something is enjoined which is in manifest opposition to divine law or to the constitutions of the institute, or which entails serious and certain evil – in such a case there is no obligation to obey – the superior's deliberations look to an area in which the calculation of the greater good can vary according to the manner of considering the matter. However, if one concludes that, because a command appears from the evidence to be less good, it is not lawful and is contrary to conscience, this would be the same as not to understand in a way in which one judges less correctly from the evidence that not a few human matters are obscure and ambivalent. Moreover, refusal to obey often brings serious harm to the common good itself. Therefore, a religious should not readily affirm that the judgment of his conscience is at variance with the decision of the superior. In other respects, such a singular case will at times cause real soul suffering after the example of Christ Himsel *who learned obedience from His sufferings?*[3]

29. This, then, is said in order that there may be a correct understanding of how much self-renunciation the practice of the religious life demands. In like manner you must experience something of that pressure whereby our Lord was drawn to His cross, namely, to that baptism *with which He Himself was to be baptized,* where that fire would be ignited which also inflames you[46] somching also of that foolishness, which St. Paul desires for all of us, especially since it

42Conc. Vat. II, *Dog. Const, on the Church,* n. 43.

4^Conc. Vat. II, *Deer on Rel. Life,* n. 14.

Cone. Vat. 11. *Const, on Church Today,* n. 16

4sHeb 5:8.

46Cf. *Lk* 12:49-50.

alone makes us wise.47 Consequently, let your cross be that which was Christ's: proof of the greatest love. Does not a kind of secret relationship exist between renunciation and joy, between sacrifice and magnanimity, between discipline and spiritual liberty?

III

30. We must confess, sons and daughters in Christ Jesus, that at this very time it is difficult to find a manner of living which squares with this necessity. Exceedingly many contrary inducements urge you to searèh especially for work which is effective from a human point of view. And yet, is it not your lot to give example of a joyful and consistent austerity at the same time that you embrace the difficulties inherent in work itself and in social relationships and that you put up with the hardships of life with all its anxiety and uncertainty as so many absolutely necessary renunciations for the fulfillment of Christian life? Religious strive *for holiness by a narrower path* *3 Consequently, in the midst of these cares and inconveniences, large or small, your inmost ardor of soul enables you to find the cross of Christ and helps you to accept it with faith and love.

31. On these terms you will provide the witness which the People of God expect: the witness of men and women who can accept the unknown outcomes of poverty, who can be captured by simplicity and humilty, who are lovers of peace and strangers to compromise, who arc dedicated to complete abdication of themselves and of material things, who are free and yet obedient, spontaneous and tenacious, meek and strong in firmmess of their faith. This grace, indeed, will be given to you by Christ in proportion to the fulness of the gift you make of yourselves and never revoke. Splendid proof of this kind of offering is given by the rather recent vicissitudes of so many religious men and women who, in various nations, with generosity and readiness, have suffered for Christ. At the same time that Wc openly profess Our admiration of them, We propose them to all for imitation.

32. On this path very great assistance is supplied to you by those life styles which experience, while adhering to the charisms of each institute, has introduced and has shown as compatible in various

47Cf. *1 Cor.* 3:18-19.
48Cf. Cone. Vat. 11, *Dog. Const, on the Church,* n. 13.

ways, and encourages constantly new advances. However much the expressions may differ among themselves, they always look to the fashioning of the inner man. The interest you have in strengthening this inner man will help you to diagnose which among so many diverse attractions, arc the more appropriate life styles. Excessive desire for every kind of flexible mobility and freedom of activity can result in an accusation of rigidity for even the least amount of regular order in the observance of practices which community life and perfection of its members usually demand. Persons with an intemperate attitude who appeal to fraternal charity or to what they believe has been inspired by the Holy Sirit, can lead institutes on to destruction.

33. Wherefore, as you well know from experience, not to be underestimated are the gravity and importance of community life itself both for the habitual program of directing the whole man, so complex and splintered, in accord with the path of his vocation, as well as for the spiritual integration of his tendencies. Is not the heart often attracted by the transient and the perishable? Moreover, many of you must live your lives, at least in part, in a world which tends to alienate a man from himself and jeopardizes both his unity with God and his own spiritual unity. There is need, therefore, for you to learn to find Him also in the situations of that life in which are found everincreasing agitation, strife, noise and the allurement of things ephemeral.

34. Who, then, does not see how much a fraternal setting of regular life together with a life discipline freely undertaken helps towards the attainment of that union? This discipline seems to be more and more necessary for anyone who *returns to tbe heart*[***] in the biblical meaning of this term which is a somewhat more profound expression of our affections, thoughts, designs, and which is imbued with a sense of the infinite, the absolute, our everlasting destiny. In today's maelstrom religious by] their witness must present a person who by clinging, in a vital way, to his own goal, which is the living God, has really brought unity into and made evident and manifest the depth and steadfastness of his life in God through integration of all his faculties, purification of his mind, spiritual conformation of his senses.

35. Consequently, in proportion to the degree in which you undertake external tasks, you must pass from that kind of activity to

49Cf. /M. 46 8.

a life which is hidden and devoted to divine things and by which your souls are refreshed. If you are truly intent on work for the sake of God, you yourselves will observe the necessity of spending time in retreat which, indeed, in union with your brothers and sisters, you will convert into a time rich in fruits. Because of the very numerous occupationsand mental tensions in present-day living, it is fitting that particular importance be attached to these longer intervals of time which are in addition to the daily run of prayers. These intervals of time should be variously distributed over periods in keeping with the situation and nature of your vocation. If the house to which you belong practices fraternal hospitality on a wide scale, it will be your task to regulate its frequency and character so that all senseless disturbance may be avoided and more ready intimate union with God may be provided for your guests.

36.This, assuredly, is the force and meaning of the practices which control the routine of your daily life. An alert and attentive conscience should consider those practices not only from the sole viewpoint of an obligation of rule but weigh them from the angle of the benefits they bring insofar as they procure greater spiritual fullness. It is necessary, however, to affirm this: religious observances, rather than harmonious training of reason or education of the will, demand a real initiation looking to conforming a person, even in the innermost consciousness of his soul, to a Christian life according to the gospel beatitudes.

37. The Council holds *an approved teaching for the pursuit of perfection50* as a heritage of the institutes and one of the greatest benefits which they must impart to you. Because this perfection consists in an ever-growing advance to love of God and of our brethren, that *teaching* must be understood in an altogether sure and definite manner, that is, as a teaching of life which must be really reduced to practice. Wherefore, it follows that those researches on which the institutes insist, cannot be directed only to certain adaptations which arc to be effected in view of changes in the world, but they must help to the fruitful rediscovery of those supports which arc absolutely necessary for leading a life completely imbued with love of God and man.

38. Wherefore, there is imposed on both the communities and on the persons who constitute the communities the necessity of passing from the *psychic* state, as it is called, to the state which is truly

S0Cf. Cone. Vat. II, *Dog. Const, on the Church,* n. 43.

*spiritual.*51 Is not *the new man, of* whom St. Paul speaks, an example of the ecclesial fulness of Christ and, at the same time, does not the participation in this fulness pertain to each and every Christian? The will to set up this kind of life will make your religious families like vital soil in which there may blossom the seed of divine life which was planted in each one of you at baptism and in which, through your consecration, completely expressed by your living it, the most abundant fruit can be produced.

39. Although you, like any other Christian, labor from imperfection, nevertheless, you strive to bring about conditions of life which are suited to fostering the spiritual progress of each member. But how is it given to attain this end unless the relationships, even the common and ordinary ones, whereby you are linked with your individual brothers, arc rendered closer in the Lord? For charity – let us not forget – must be, as it were, the activating hope of those things whereby others may be carried forward by our fatcrnal assistance. The sign of its authentic nature is found in a joyful simplicity whereby all strive to understand what each one has at heart.52 But if certain religious appear to be such as seem to be oppressed by their common life whereas it ought to make them grow, has this not happened because they arc lacking that kindness and friendliness which nourish hope? There is no doubt but that the spirit proper to each group, friendly relationship, fraternal cooperation in exercising the same apostolate, as well as the mutual help in a communion of life, chosen precisely so that Christ might be better served, contribute heavily to this path of daily interrelationship.

40. Out of the consideration of these matters there are emerging certain inclinations of spirit towards establishing smaller communities. Like spontaneously erupting pressures against the herding together of unknown persons in the cities, likewise, the necessity of accommodating their home to the small dwellings in present-day cities, the wish to be in closer contact in their very circumstances of life with the people who must be enlightened with the light of the gospel; all these are reported among the reasons which move certain institutes to propose that communities be established composed of a small number of members. These smaller communities can, certainly, promote closer relationships between the religious as well as mutual and more fraternal undertaking of duties. On the other hand, although a certain structured form can actually bring in spiritual

51 Cf. *1 Cor.* 2:14-15.
52 Cf. *Gal.* 6:2.

residence, one would be mistaken to believe that that is sufficient to promote and enlarge it. Small communities, it is clear, make more difficult demands *of* their members rather than make for an easier kind of life.

41. Moreover, it remains true that communities with a large number of members suit many religious in a special way. The establishment of such communities may be demanded by the very nature of some service related to works of charity, or by certain works requiring ingenuity, or even by the arrangement for contemplative or monastic life. Perfect unity of hearts and minds, fully in keeping with the spiritual and supernatural goal being pursued, should always flourish there. For the rest, these communities, be they small or be they large, cannot help their members unless they are constantly fed with the spirit of the gospel, nourished by prayer, and distinguished by mortification of the old man together with greatness of soul, as well as by the discipline necessary for the formation of the new man and by the fruitfulness of the sacrifice of the cross.

IV

42. Beloved religious men and women, how could you not wish to know more thoroughly Him whom you love and wish to make known to men? It is prayer, of course, which unites you to Him! If you no longer have a taste for prayer, you will burn with desire for it by humbly bringing yourselves back to prayer. Do not forget the testimony of history, namely, maintained faithfulness to prayer or its neglect is, as it were, the reflection of the vitality or the decadence of the religious life.

43. For prayer is the discovery of intimate dealing with God, the desire to adore Him, the will to intercede with Him: the experience of Christian holiness shows the fruitfulness of prayer in which God manifests Himself to the spirit and heart of His servants. Many, indeed, are the gifts of the Spirit but they always bring it about that we taste this intimate and true knowledge of God without which we can neither perceive the very value of Christian and religious life nor have the strength to advance in it, imbued with the joy of a hope which docs not deceive.

44. Without doubt, the Holy Spirit also imparts to you the grace of finding God in the hearts of men whom lie Himself teaches you that you should love as brothers. The same Spirit helps you to detect the signs of His love in the warp and woof, as it were, of events. If, then, we humbly turn our minds to men and to things, the Spirit of

Jesus enlightens us and enriches us with His wisdom, provided that wc are deeply imbued with the spirit of prayer.

45. Is not one of the miseries of this age that inequality *between tbe collective conditions of life and tbe requisites of personal thought, and even of contemplation?* 5J Many persons – among whom are not a few young persons – have lost the meaning of their lives and are solicitously seeking out the contemplative side of themselves, not knowing that Christ, through His Church, can provide the answer to their expectation. Matters of this kind must drive you on to reflect seriously upon what men rightfully expect of you who have expressly and definitively undertaken the obligation to lead a life in the sendee of the Word, *tbe true light which enlightens every man.*54 You must, therefore, be aware of the importance which prayer holds in your life and you should learn to spend time on it enthusiastically. Daily prayer, faithfully performed, continues to be the primary necessity for each one of you, man and woman. Wherefore, priority must be given to it in your constitutions and in your life.

46. The interior person preceives that periods of silence are a sort of requisite for divine love for which solitude, as a rule, is necessary so that he may hear God *speaking to his heart.*55 It must, however, be stressed that silence which is nothing more than the absence of gossip and conversation and in which the soul cannot recoup its vigor is clearly devoid of all spiritual power and can even be an obstacle to fraternal charity if, at the same time, there be need to have contact with others. Contrariwise, the search for intimate union with God involves the need of silence on the part of the whole person, whether there be question of those who must find God in noise and tumult, or of those dedicated to contemplation.56 Faith, hope, a love of God which is prepared to accept the gifts of the Holy Spirit, as well as fraternal love which makes itself open to the mystery of others, bring about the necessity of silence as a kind of postulate.

[S3] Cone. Vat. II, *Const on Church Today,* n. 8.
[S4] *Jn.* 1:9.
[SS] Cf. *Hosea* 2:14.
5<'Cf. S. C. Rd. et S. I., instr. *Ventte seorutn,* in *AAS,* 61 (1969),674-690 {*Canon Ij w Digest,* 7, pp. 536-541), Message of contemplative monks to the Synod of Bishops, 10 October, 1967, reported in *Doc. Cath.,* 64 (1967), 1907-1910.

47. Finally, must the singular importance be called to mind which the liturgy of the Church has in the life of your communities – that liturgy whose focus is the Eucharistic sacrifice in which internal prayer is joined with external worship? 57 In the very' nte of religious profession you are offered to God by the Church in close conjunction with the Eucharistic sacrifice.58 This oblation of yourselves must turn out every single day as a verity which must be actually and continuously renewed. The principal source of this renewal is the communion of the Body and Blood of Christ whereby your will to love truly and go so far as the immolation of your life is unremittingly nourished.59

48. The pivot of your communities, assembled in His name, is, essentially, the Eucharist, *a sacrament of love, a sign of unity, a bond of charity.60* It is, therefore, in keeping that they be manifestly associated around an oratory' in which the presence of the most holy Eucharist signifies and, at the same time, effects what must be the main mission of every religious family just as it is of every kind of Christian assembly. The Eucharist, through which we do not desist from proclaiming the death and resurrection of the Lord and prepare ourselves for His return in glory, continually impresses upon your memory the sufferings of body and soul whereby Christ was violently tortured but which He freely underwent, going so far as His agony and death on the cross. The trials which you encounter, provide an opportunity for you to sustain them in union with Christ and to offer to the Father the many misfortunes and unjust torments which are inflicted upon our brethren and can take on meaning only' from the sacrifice of Christ illumined by faith.

49. Thus, therefore, even the world is present at the innermost center of your life which is given to prayer and immolation as the Council strongly asserted: *Let no one think that religious because of their consecration, become alienated from mankind or useless in the earthly city. For even though at times they do not directly stand alongside their contemporaries, nevertheless, in a more profound way they bold them present in the heart of Christ and spiritually*

57Cf. Cone. Vat. II, *Const, on Sac. Lit.,* in *AAS,* 56 (1964),97-1 34; reported in Cano» *Law Digest,* 6, pp. 32-67.

s*Cf. *Rite of Religious Profession,* promulgation and norms reported below in this volume under canon 576.

59Cf. Cone. Vat. 11, *Deer, on Rel. Life,* n. 1 5.

60Conc. Vat. II. *Const, on Sac. Lit.,* n. 47.

cooperate with them so that the building-up of the earthly city may always be founded on the Lord and be directed to Him lest perchance those who build it shall have labored in vain.61

50. But this participation in the fulfillment of the mission of the Church – as the Council urgently advises – cannot be had unless religious embrace and foster her *enterprises and objectives in the biblical, liturgical, dogmatic, pastoral, ecumenical, missionary and social fields.62* Solicitous about doctrine and the accompanying pastoral activity, you will zealously work at them, always, indeed, *without prejudice to the character of your institute,* mindful that exemption looks primarily to the institute's internal order and does not exempt you from submission to the jurisdiction of the pertinent bishops *insofar as the performance of their pastoral office and the due ordering of the care of souls require.63* Furthermore, must not you, more than others, constantly reflect on the Church's activity as continuing the activity of Christ for the benefit of mankind only insofar as you follow the very course of life of Christ who leads all things back to His Father: *For all things are yours. . . but you are Christ's and Christ is God's.64* God's vocation in a most immediate and efficacious manner directs you into the path leading to the eternal kingdom. Through the spiritual tensions which cannot be avoided in any way of life which is truly religious, *you give splendid and outstanding witness that the world cannot be transfigured and offered to God without the spirit of the beatitudes.66*

V

51. Beloved sons and daughters in Christ, in order that religious life may be renewed, it must accomodate its accidental forms to certain changes which with increasing speed and compass, are affecting the conditions of every human life. But you will not be able to accomplish this, while maintaining the *stable form of living66* which have been recognized as such by the Church, except by a renewal of the genuine and integral vocation proper to your institutes. For the

61 Cone. Vat. II, *Dog. Const, on the Church,* n. 46.
62Cone. Vat. II, *Deer, on Rel. Life,* n. 2,c.
63Cf. Cone. Vat. II, *Deer, on Past. Off. of Bps.,* n. 35,3.
641 Cor. 3 22-23, cf. Cone. Vat. II, *Const, on Church Today,* n. 37.
6sConc. Vat. II, *Dog Const, on the Church,* n. 31.
66Cf. *ibid.,* n. 43.

accommodation of any living thing to those things in whose ambit it lives, does not consist in this, that it sets aside its own true identity, butin this, that it strengthens itself by the vital vigor which is special to itself. While deeply perceiving today's tendencies of souls and demands of the men who presently exist, you must comport yourselves like waters leaping up from your fountains with a new force. This kind of office is suited to approaching a person and, indeed, with consideration had of the difficulties.

52.The most consuming question beckons us today and it is how the gospel message is to make its way into the civic culture which is characteristic of the multitude·, how must it be done at those levels and sections where the new mental culture is being brought into being, that culture in which the new specimen of man is being restored who thinks that he no longer needs redemption. Since all are called to contemplate the mystery of salvation, you well understand how from these questions flow out the very serious obligations of each one of you to lead your life and the nature of the drive to examine your apostolic endeavor! Beloved religious men and women, in accord with the ways which the divine call demands of your spiritual families, you must survey with attentive minds the needs of mankind, its difficulties and searchings, bearing witness by prayer and activity in the midst of men to the effectiveness of the auspicious message of love, justice and peace. The eagerness whereby the universal family of men longs to lead a life more suffused with brotherly love, whether among individuals or among nations, above all demands a transformation of ways of living, mental attitudes and conscience. Λ mission of this kind, although common to the universal People of God, pertains to you in a special degree. But how can that mission be properly discharged if there is a lack of appreciation of things heavenly which is derived from a certain experience of God? This shows in manifest light that genuine renewal of religious life has special importance for carrying out the renewal of the Church herself and of the world.

53. More than ever before, today most especially the w'orld needs men and women who have exhibited faith in the Word of God in His resurrection and in eternal life in such wise, indeed, that they spend all their life on earth testifying to the truth of this love w'hich is offered to all men. Throughout the course of her history', the Church has never ceased to be revitalized and refreshed by the holiness of so many religious men and women who, while following different forms of evangelical perfection, testify by their lives to the infinite

love, Christ the Lord. Must not this grace be considered for the men of today as a divine and life-giving breath and as a liberation of self which foreshadows eternal and absolute happiness? When you look forward to this kind of divine joy, affirming once again the truths of faith and, in accord with their norm, interpreting in a Christian manner the needs of this world, with a generous soul translate the demands of your vocation into your life's practice. The time is at hand for you to reform your conscience, if need be, with the greatest diligence and also to pay attention to reviewing your whole life in order to achieve fidelity.

54. Looking upon you with that sweet tenderness of Christ who referred to His disciples as the *little flock* and announced to them that it pleased the Father to give them the kingdom,67 We earnestly beseech you to maintain the simplicity of the *least ones* mentioned in the gospel. Strive to acquire it in a deep and very close relationship with Christ or in the dealings which you have immediately with your brethren. Then you will experience the joy of a soul *exulting in the Holy Spirit,* that joy which belongs to those who have been introduced into the secrets of the kingdom. Do not press forward to be counted in the number of those *wise and prudent* for whose multiplication everything conspires and from whom those said secrets have been hidden.68 Be truly poor, meek, thirsty for holiness, merciful, clean of heart — such persons, in a word, that through them the world may know the peace of God.6970

55. The joy drawn from the fact that you belong to the Lord at all times, is an incomparable fruit of the Holy Spirit; it is a joy which has already been given to you to relish. Suffused with this joy which Chirst will preserve for you even in the midst of hardship, look to the future with confidence. The degree in which this joy flows out from your communities is proof to all that the state of life you have chosen helps you, through the threefold renuntiation in religious profession, to expand your life in Christ as greatly as possible. Looking attentively at you and at your life, young people will be able to understand well the invitation which Jesus never fails to see that it echo among them. 0 1'hc Council also reminds you of this very point: *Let the members recall that the example of their own lives is*

67Cf. *Lk.* 12:32.
68Cf. *ibid.,* 10-21.
69Cf. Aft. 5:3-11.
70Cf. *ibid.,* 19:11-12; *l Cor* 7:34.

the best recommendation of their institutes and an invitation to embrace the religious life.[71]

Furthermore, there is no doubt but that the bishops, priests, Christian educators, honoring you with remarkable esteem and great affection, will inflame many with a desire to join you as companions, thus responding to the invitation of Christ which never ceases to echo in the souls of His disciples.

56. May the most loving Mother of our Lord, after whose example you have consecrated your lives to God, obtain for you in the daily course of your lives, that immutable joy which Jesus alone can bestow. Would that your lives, following her example, may bear witness *of that maternal affection with which all should be animated to cooperate in the apostolic mission of the Church for the regeneration of mankind.*[72]

Most beloved sons and daughters, may the joy of the Lord transfigure the life you have consecrated to Him and may His love render it fruitful. In His name We impart to you from Our heart the apostolic blessing.

Given at Rome, from St. Peter's, the 29th day of the month of June, on the solemnity of the holy apostles, Peter and Paul, in the year 1971, the ninth of Our pontificate.

AAS 63-497; Paul VI, apost. exhortation, 29 June, 1971. Annotations in *Bull. U.I.S.G.,* nn. 21 (1971),4-10 (Linscott); *Vida Rel.,* 31 (1971),180-193 (Gorricho); *Vita Cons.,* 7 (1971),717-726 (Linscott).

Vocations: Celebration of World Day of Prayer for (S. C. Rel. et S. I., 8 March, 1972) Private.

A letter addressed to all superiors and superioresses of religious:

Again this year the Sacred Congregation for Religious and for Secular Institutes complies with its pleasant duty to inform you early that the next "IX World Day of Prayer for Vocations" will be celebrated on Sunday, the 23rd of April, listed in the new missal as the fourth Sunday of Easter.

Thus, the major superiors and superioresses will have the chance to arrange ahead of time, insofar as necessary, preparations for its celebration in all their houses with a deep spirit of faith and with

71Cf. Cone. Vat. II, *Deer, on Rel. Life,* n. 24.
72Conc. Vat. II, *Dog Const, on the Church,* n. 65.

timely projects as befits an aim which intimately touches the life and future of the Church and of the religious institutes.

In this regard let it be recalled that the intentions formulated by the Holy Father when he instituted the "day"[1] are:

— let it be a day of spirituality, that is, of meditation and of prayer by a deepening of the free personal and communitarian response given to the call of God in favor of a life of special consecration. The decree, *Perfectae caritatis* (η. 24), has, as a matter of fact, observed that "the example of their own lives constitutes the best invitation to embrace the religious state."

— let it be devoted to all vocations of special consecration – priesthood, contemplative life, the apostolate in the various religious institutes as in those of common or secular life – blossoming from the roots of the universal vocation to holiness *(Lumen Gentium,* nn. 38 ff.).

— let it be a turning to the needs of the entire Church and particularly to those of the mission countries and of those regions where the most serious difficulties are actually had.

Moreover, let the "day" be an occasion to evaluate the activities developed by the institutes and by the national conferences of major superiors for the promotion of vocations and for the study of the methods best qualified to attain this objective.

With ardent wishes for a fruitful reawakening of vocations in all of the consecrated families.

(Private); S. C. Rel. et S. I., letter, 8 March, Prot. N. AG 2000/63; reported in *Com. pro Rel.,* 53 (1972),261-262.

Religious Life (Paul VI, 19 Oct., 1972) AAS 64-688.

Our Holy Father delivered the following allocution to the moderators of the national conferences of major superiors of religious men and women assembled at Rome under the auspices of the Sacred Congregation for Religious and for Secular Institutes.

Dear sons and daughters. Let Us first of all express to you the joy and emotion We experience at receiving you. With Us you carry' the honor and the weight of a great responsibility: the orientation and the authenticity of religious life today. Beyond your persons, We

*€£. *Canon Law Digest,* 6, pp. 424-425.

visualize the thousands of men and of women who consecrate their lives to the following of Christ through the practice of the evangelical counsels. They represent for Us and for the entire Church an immense hope.

You have responded to the appeal of Our Congregation for Religious and for Secular Institutes to assess during these few days the "updating" which the Council and your chapters have stirred up and put into operation, notably on the level of prayer and common life. You have searched out how to surmount the tensions which arc making their appearance – and which are undoubtedly inevitable – within your various congregations and how to live, in a certain pluralism, the profound unity to which the disciples of Christ must bear witness. We are pleased by this collaboration with the Department charged with taking care of and presiding over the solution of these problems and, in this sense, serving you. We hope that such collaboration will be more and more frequent, trusting and fruitful.

Within the framework of this brief meeting, there is no question of Us taking up the mass of questions which the renewal and adaptation of religious life raise. Last year We confided to you in Our apostolic exhortation, *Evangelica testification* Our anxieties and Our hopes on this subject. In the name of the Lord, We have set forth the criteria of discernment capable of guiding you along the demanding, but how fascinating, path of a more evangelical life. We beg you to keep before your eyes and to meditate upon the various elements of the religious life which We have elucidated without neglecting any of them. This morning, We wish only to revive in you the "religious spirit" which must mark your persons and your communities, as well as your positive adherence to the Church.

Yes, you have chosen to live your baptismal vocation within the specific framework of the religious life; or rather, you have agreed to serve rhe Lord in this radical fashion which corresponds profoundly to an evangelical appeal which has stood the test in the Church through the centuries and which has been authenticated as the unequalcd and indispensable witness of the beatitudes. We tell you without beating around the bush: be consistent with yourselves; show yourselves faithful to your vocation; do not allow this essential character of the religious life which is your lot, to be dissolved either in theory or in practice. Most Christians are called to affirm their

II Rcported above in this volume under this same canon.

faith and to exercise their charity as lay persons with all the temporal responsibilities which are incumbent upon them, and their witness is essential as We have often underlined. Certain ones of them arc doing so today with the support and in accord with the exigencies of a secular institute and We have recently once again praised this new initiative. But both the one and the other group have need precisely of your fidelity to your specific vocation as religious men and religious women. Besides the profession of the vows of consecrated chastity, and of poverty and obedience, this comprises, as you know, a common life lived in a complete brotherhood. This requires a special asceticism which leads you to renounce fully and joyously the goods of this world as a sign of your attachment to the Lord Jesus who is loved for Himself, above all, and even unto the cross. It manifests itself in an obedience which renders you thoroughly disposable to the will of our Father in heaven, through the concrete calls of the Church and of your superiors as Christ lived obedience to His Father through the servitudes of His incarnation.[1] In brief, you must strive for evangelical perfection[2] in a manner to be permanent, living signs of the transcendence of the kingdom of God.

Certainly this sign will not always be understood not only not by the "world" in the sense intended by St. John, but not even by men of good will, not even by your Christian brothers and sisters. And you will suffer because of it. For this world not only is attracted – and at times is enslaved – by possessions, power and the flesh, but it has become hypersensitive to the demand for personal development within the framework of complete autonomy. To their eyes your life may assume the aspect of the mysterious, the strange, and according to certain persons, even the inhuman. And yet, as you know, that which is folly in the eyes of men is wisdom in the eyes of God.[3] Moreover, would not the real scandal be to perceive that, under the pretext of adaptation, you are renouncing the demands of prayer, humility, poverty, sharing, purity, simplicity, unselfish service which Christ has demanded of His disciples?

Listen well to US: the form of religious life must not look down on natural talents or personal charisms·, it must serve the vocation of

*Cf. Jacques Guillct *Jesus-Cbrist hier et aujourd'hui,* Desclee de Brouwer, 1963, pp. 109-125.

2Cf. *Mt.* 5:48.

3Cf. / Cor. 1:25-27.

each person. It is a heavy charge for you, superiors, to take care that each one of your brothers and sisters develops himself/herself through it, be it by being treated with regard or by being recognized and loved, and that each be able to bring to one's community and to the world the best of himself/herself. But we should not forget the gospel paradox which you, more than others, have the mission to realize fully: "He who would save his life will lose it; but he who will lose his life for my sake will find it."[4] Be well convinced of this:this love of the Lord, lived unto the renunciation of yourselves, will not remain without fruit. While bringing you a profound joy and the hope of life eternal, it will mysteriously open up to souls the path to the God of love. Yes, in this sense, do not cringe from being fully religious.

We take up briefly the second topic of Our talk. Such a love of God, revived by intimate prayer and stimulated by fraternal living should not estrange you — quite the contrary — from the missionary concern which animates you today and which greatly rejoices Us. Whether you live a contemplative life or one directly apostolic, love of the Church will be at the heart of your preoccupations. Evidently, you will adhere without reserve to the true faith which she professes; you will welcome with confidence the guidance she specifies, the decisions she takes in the various areas for the good of all. At this time this witness of loyalty on the part of all religious united to the Sec of Peter seems to Us paramount. Look at history: that loyalty has always been determinative in the times when the Church undertook her great reforms. However, in accord with the charism proper to your institute, you will also share her determination to really rejoin this world which is new in so many respects. It is not a question of you conforming to the world but of you graciously receiving it, understanding it, and loving it to the point of announcing Jesus Christ to it with evangelical patience and according to the means adapted to its understanding. Now, in each one of your dioceses, your regions, your countries, the bishops, along with the priests' and pastoral councils, are charged with discerning priority needs, directing pastoral efforts and coordinating them. Each institute must define well its personal identity in order to inject itself into this service in line with its specific vocation. It is not a question of absorbing this richness of your multiform, traditional charisms in

4M. 16:25.

an authoritarian regrouping or in an impoverishing leveling off. Nevertheless, each one must participate, in full availability, in the mission of the Church, in harmony with the apostolate exercised in the aggregate of the People of God, under the responsibility of the hierarchy. You will always remember that "exemption" as such looks, above all, to the internal structures of your congregations·,5 it must never be made an obstacle to the realization of a close, profound, cordial communion of sentiments and action with your bishops.

Dear sons and daughters, We thought of you and these days as We celebrated the Mass in honor of Saint Luke. You are among these disciples which the Lord sends before Him today. We pray the Master of the harvest to add to your ranks numerous companions of proven loyalty. Already, it seems to Us, the moment has come for an in-depth revival of the religious life. Go, therefore, through the whole world. Carry the peace of Christ to it. Announce the good news by your specific life of consecration: "The Kingdom of God has come near to you."6 With Mary, turn yourselves to the Lord in thanksgiving and with perfect availability. /\nd We wholeheartedly bless you.

AAS 64-688; Paul VI, allocution, 19 Oct., 1972.

Religious Women: Union of Major Superioresses of Italy (U.S.M.I.): address of Card. Antoniutti on guidelines on adaptation and renewal, 21 Jan., 1968; Eng. vers, in *Catb. Mtnd,* 66 (May, 1968), 54-62.

Vocations: Paul VI, allocution to National Vocation Directors, 13 May, 1971 (AAS 63-464)—English version in *T.P.S.,* 16 (1971),175-176.

World Day of Prayer for: Paul VI, annual written messages: 19 March, 1969 (AAS 61-330); 15 March, 1970 (AAS 62-3O8)-English version in *T.P.S.,* 15 (1970),10-13; 12 March, 1971 (AAS 63-375); 18 March 1972 (AAS 64-374)—English version in *T.P.S.*. 17 (1972),11-15.

CANON 488

Augustinians: Fnars: Paul VI, letter to Prior General on occasion of general chapter at Philadelphia, 8 Aug., 1968 (/XAS 60-563); allocution tomembers of general chapter, 20 Sept., 1971 (AAS 63-751).

Recollects: Paul VI, allocution to general chapter, 14 Sept., 1968 (AAS 60-663).

Benedictines: Paul VI, allocution to abbots and priors of the total confederation of the Order of St. Benedict, 30 Sept., 1970 (AAS 62-627).

Paul VI, allocution to, on occasion of visit to Subiaco in which he said he came there to honor the evangelical witness that religious life gives to both the Church and secular society and praised the Benedictine rule, 8 Sept., 1971 (AAS 63-745).

5Cf. *Evangelica testificatio,* n. 50.
bLk. 10:9.

Camaldolese: Paul VI, letter to prior general on occasion of 900th anniversary of death of St. Peter Damian, 16 Feb., 1972 (AAS 64-178).

Olivetan: Paul VI, allocution to general chapter, 11 Nov., 1968 (AAS 60-790).

Blessed Sacrament Fathers: Paul VI, letter to superior general on occasion of first centenary of death of St. Pierre Julien Eymard, 19 July, 1968 (AAS 60-525).

Paul VI, letter to superior general on worship of the Eucharist outside Mass, 10 Jan., 1969 (AAS 61-169); Eng. vers, in *The Pope Speaks,* 14 (1969-70), 47-49.

Camillians: Congregation of Ministers of the Sick: Paul VI, allocution to members of general chapter, 6 Mar., 1969 (AAS 61-243).

Canons Regular of Saint Augustine: Paul VI, letter to abbot primate of, on the fifth centenary of the death of Thomas a Kempis, 8 May, 1971 (AAS 63-535).

Capuchin Order Paul VI, allocution to general chapter, 21 Oct., 1968 (AAS 60-744).

Carmelites: Paul VI, allocution to general chapter, 14 Sept., 1968 (AAS 60-663).

Carthusians: Paul VI, letter to minister general on the occasion of the general chapter of, 18 April, 1971 (AAS 63-447).

Cenacle Religious: Canonization of foundress, Therese Couderc, 10 May, 1970 (AAS 62-801). Paul VI, homily on occasion of canonization (AAS 62-394).

Christian Brothers: Paul VI, allocution (in English) to members of general chapter, 20 May, 1972 (AAS 64-429).

Cistercians: Of Common Observance: Paul VI, allocution to general chapter, 14 Oct., 1968 (/VAS 60-737).

Of Strict Observance: *see* Trappists.

Dominicans: Paul VI, letter to, on occasion of celebration of eighth centcnial of birth of St. Dominic, 25 Oct., 1971 (AAS 63-869).

Franciscans:Third Order Regular: Paul VI, allocution to general chapter, 6 March, 1969 (AAS 61-243).

Friars Minor Conventual: Paul VI, allocutions to general chapters, 25 June, 1969 (AAS 61-523); 12 June, 1972 (AAS 64-436)-English version in *T.P.S.,* 17 (1972),157-160.

Holy Ghost Fathers: (C.S.Sp.): Paul VI, allocution to general chapter, 11 Nov., 1968 (AAS 60-790).

Institute of the Heart of Jesus: Sec *Pastoral Life,* 18 (Nov., 1969), 56-59 (Platt).

L.C.W.R.: Name of the Conference of Major Superiors of Religious Women's Institutes of the United States of America (C.M.S.W.) changed to Leadership Conference of Women Religious; notice of change of name sent out by the Conference on 20 Sept., 1971 (Private).

Little Workers of Divine Providence: Paul VI, allocution to general chapter, 6 Mar., 1969 (AAS 61-243).

Marianists: Brothers of Mary: Paul VI, allocution to general chapter, 11 Nov., 1968 (AAS 60-790).

Merccdarians: Paul VI, allocution to general chapter, 29 May, 1968 (AAS 60-388).

Paul VI, letter to superior general on occasion of 750th anniversary of founding of Order, 30 May, 1968 (AAS 60-450).

Montfort Fathers: Paul VI, allocution to general chapter, 31 Mar., 1969 (AAS 61-266).

Oblatcs of Mary Immaculate: Paul VI, allocution to general chapter, 20 May, 1972 (AAS 64-428).

Opus Dei: Nature, history, activities; see *Cath. Mind,* 68 (Jan., 1970),33-40 (Echevarria).

Passionists: Paul VI, allocution to general chapter, 14 Oct., 1968 (AAS 60-741).

Rogationist Fathers of the Heart of Jesus: Paul VI, allocution to general chapter, 14 Sept., 1968 (AAS 60-663).

Salcsians of St.John Bosco (S.D.B.): Paul VI, allocution to general chapter. 20 Dec., 1971 (AAS 64-28).

Secular Institutes: Study of, in light of Vatican Council II, in *Jurist,* 29 (1969),157-173 (Bcver).

1st International Congress of Secular Institutes, 20-26 Sept., 1970:

Paul VI, allocution to delegates, 26 Sept., 1970 (AAS 62-619).

Motions raised and passed by:

I. Further instruction of the ecclesiastical magisterium on the nature of secular institutes.

II. Strong pluralism of secular institutes.

III. Greater distinction to be made by the Office of Secular Institutes within the S. C. for Religious and for Secular Institutes between problems of secular institutes and religious institutes.

IV. Creation of an international commission within the Secular Institutes assembly.

V. At least two species of secular institute for priests.

VI. Proposals by French-language participants.—reported in *Vita Cons.,* 7 (1970,307-310.

Paul VI, allocution to members at Rome on occasion of 25th anniversary of promulgation of ap. const., *Provtda Mater,*[1] 2 Feb., 1972 (AAS 64-206)—English version in *T.P.S.,* 17 (1972),26-32.

Paul VI, allocution to superiors of, at international meeting, 20 Sept., 1972 (AAS 64-615)—English version in *O. R. (Eng.), 5 Oct.,* 1972, pp. 3-4; *RfR,* 32 (1973),3-7.

Society of African Missions (S.M.A.): Paul VI. allocution to general chapter, 29 May, 1968 (AAS 60-387).

Permanent diaconatc. *See* c. 973; S. C. Gent. Evang., 5 July, 1969.

Society of Jesus: Paul VI. letter to Superior General praising the legislative work of the general congregation (chapter), commending the internal unity, and indicating the criteria and dangers of accommodation of renewal in institutes of perfection, 27 July, 1968; reported by Ochoa in *Leges Ecclesiae,* vol. 3, n. 3678.

Paul VI, allocution to superiors and others in Rome to discuss questions pertinent to government, 21 April, 1969 (AAS 61-316); Eng. vers, in *T.P.S.,* 14 (1969),107-110. **M**

Society of the Catholic Apostolate: Paul VI, allocution to general chapter, 6 Mar., 1969 (AAS 61-243).

[1] Reported in *Canon l.a-a› Digest,* 3, pp. 135-146.

Society of (he Divine Word: Paul VI, allocution to general chapter, 22 Jan., 1968 (AAS 60-199).

Trappists: Paul VI, allocution to general chapter, 29 Mar., 1969 (AAS 61-262).

White Fathers: Society of African Missionaries: Paul VI, written message to superior general on occasion of first centenary of the congregation, 18 Oct., 1968 (AAS 60-758).

CANON 492

Norms for Founding Native Diocesan Religious Institutes (S. C. Gent. Evang., 10 June, 1967) Private.

The Sacred Congregation of the Propaganda has received your letter of the 16th of March last, in which you speak of founding a new congregation of Congolese religious women in your Archdiocese of Kinshasa.

As is its duty, the Sacred Congregation has wished to study the question thoroughly and to this end it has not failed to entrust its examination to the commission charged with the revision of constitutions of religious institutes.

But now this is to be thrown into relief: for an Ordinary to authorize the foundation of a diocesan congregation, there is need above all to have available a superior and a mistress of novices.

It is true that you do not wish to appeal to European religious women so as not to compromise the African spirit of the Sisters. However, it must not be forgotten that there already exist some diocesan and other congregations of African Sisters directed by those Sisters themselves who have missioned out subjects already sufficiently solidly formed to be able to be charged with the spiritual and religious formation of others.

On this topic, I am anxious to add that the Propaganda will always give support to a contingent request to the respective Superiors General for a superioress and a mistress of novices who will be temporarily loaned to you.

(Private); S. C. Gent. Evang., Reply, 10 June, 1967, Prot. N. 1989-67; reported with annotations (Gorricho) in *Com. pro Relig.*, 49 (1968), 261.

Documents Necessary for Erection of Diocesan-law Congregation or to Obtain Decree of Praise (S. C. Rel, et S. I., 1970) Private.

The following document is given without specific date as issued by the S. C. for Religious and for Secular Institutes. It carries the heading; Documents to be sent in for the erection of a group into a congregation of diocesan law or to obtain a decree of praise."

1.Name and surname in the world and in religion of the founder or foundress as well as of the first superior or superioress general together with a short sketch of their lives.

2. An historico-juridical report of the group from its beginning.

3.Two copies of its book of prayers, its book of ceremonies, and its book of customs, if such are in use among the membership.

4. Photographs of the religious habit for the novices and for the professed.

5.Six copies of the text of the constitutions drawn up for it as an institute of diocesan law or as an institute of pontifical law.

6. Numerical prospectus (statistics) of the members and of the houses of the group; if they are diffused through many dioceses, the Ordinaries of those dioceses should be instructed to send testimonials directly to this S. Congregation.

7. Declaration on the following points:

(a) At the foundation of the group or in its history have there been extraordinary events such as visions and the like?

(b) What special devotions and what special exercises of piety arc given preference?

(c) Is there in the diocese another institute with the same name and with the same special purpose?

Furthermore, the sum of 150 U. S. dollars should be sent to this S. Department for the necessary expenses which, when the business is completed, will be defined in detail.

(Private); S. C. Rel. et S. I., norms, 1970; reported in *Coni, pro Rel.,* 52 (1971),191.

Establishment of New Religious Institutes (Pro-Nuncio Canad., 19 May, 1972) Private.

The following was addressed to the missionary archbishops and bishops of Canada by the Pro-Nuncio to Canada.

The Cardinal Prefect of the Sacred Congregation for the Evangelization of Nations asks that this apostolic nunciature bring the following points to the attention of Your Excellency.

In the course of a recent audience granted to the secretary of the Sacred Congregation for the Evangelization of Nations, the Holy Father decided that this Department, in questions relative to the erection of religious institutes, should follow the provisions given in 1938 by the Sacred Congregation for Religious, that is to say, that, before taking into consideration a request for the *establishment of a new religious institute,* the approbation of the Sacred Congregation for the Doctrine of the Faith is required.

This is why these requests must carry, as of now, the name of the founder, the name and the aim of the new religious institute, the means by which this aim will have to be realized, the number of members, the constitutions and the books of prayer of the association, as well as all other information which it may be useful to know.

Further, the said Sacred Congregation wishes to draw attention to what is said in n. 19 of the decree, *Perfectae caritatis,* relative to the establishment of new religious institutes. The Sacred Congregation wishes that for the future every request with a view to such approbation for the erection of a new institute receive the favorable vote of the episcopal conference of which the requesting bishop is a member.

(Private); Pro-Nuncio Canad., letter, 19 May, 1972, Prot. N. 17138; copy sent us by the Canadian Canon Law Society.

Data: Regarding Holy See approval of (revised) constitutions, new religious institutes, mergers, federations, unions, etc. of religious institutes can be found annually in *L'Attivita della Santa Scde* under "S. Congregatione per i Religiosi e gli Istituti Secolari."

New Institutes: Contemplative: norms and faculties. *See c.* 600; S. C. Rel. et S. I., 2 Jan., 1970, n. 4; 13 June, 1970; Cardinal Carberry, 3 Aug., 1970.

CANON 493

Merger of Third Order with Second Order (S. C. Rel., 30 Sept., 1967) Private.

Since the Sisters commonly called "Monache Minime Paoline della Rocca di Todi" of the diocese of Todi have requested from the

Apostolic See the faculty to transfer to the second order of Minim nuns, pronounce solemn vows, observe papal cloister, and join the Federation of the Spanish Minim Nuns, the Sacred Congregation for Religious, after having heard the opinion of His Excellency, the Ordinary of Todi, and the Reverend Corrector General, O. M., and having maturely considered the matter, stipulates that for the future the rule and constitutions of the Minim nuns are to be observed in the monastery of Sisters commonly called "Monache Minime Paolane della Rocca" and, moreover, are to pronounce solemn vows after a basic period of temporary vows as provided for in canon 574 of the Code of Canon Law, observe papal cloister, and follow the statutes of the Federation of Spanish Minim Nuns.

When these requirements have been met, the Ordinary of Todi, in person or by delegate, should receive in the name of the Holy See and in accord with the rule and constitutions of the second order of Minim nuns the profession of solemn vows of the superioress. The superioress, on the other hand, receives the solemn profession of the other Sisters who have already completed at least three years of vows and the simple and temporary profession of the remaining Sisters.

If any of the present nuns do not wish to bind themselves by solemn vows, they are free to continue with simple vows but they should be well aware that they are bound by strict obligation to the careful observance of the laws on papal cloister. Extern Sisters, however, if there arc any, can be admitted only to simple vows when the period of temporary vows has been fulfilled.

Finally, it is committed to the said Ordinary, when he is satisfied concerning the fulfillment of the conditions, to publish this decree in the aforesaid monastery and to see to it that a document of publication and execution is preserved in the archives of the monaster}'. Therefore, a copy of the same document should be sent to the Sacred Congregation for Religious.

All things to the contrary notwithstanding.

Given at Rome, the 30th day of September, 1967.

(Private); S. C. Rel., Decree, 30 Sept., 1967; reported with annotations in *Com pro Relig.,* 49 (1968), 167.

Data: Regarding Holy See approval of (revised) constituions, new religious institutes, mergers, federations, unions, etc. of religious institutes can be found annually in *L'Attivtta della Santa Sede* under "S. Congregazione peri Religiosi e gli Istituti Sccolari."

Mergers: Institutes and/or independent monasteries: 14 in 1965, 13 in 1966, 15 in 1967; statistics reported with complete listing of mergers during 1967 in *Vida Religiosa, 25* (1968), 277-278.

CANON 494

Provinces: Erection, suppression, modification: faculty for. *See c.* 66; S. C. Rel.et S. !.. 4 June, 1970, n. 1.

CANON 497

Sanation of Erection of Houses in Territory of S. C. Gent. Evang. (S. C. Gent. Evang., 5 Aug., 1968) Private.

The rescripts of sanation in response to the following two petitions were issued on the same date and in identical wording.

I

Petition. The Procurator General of the Order of Friars Minor, prostrate at the feet of Your Holiness, humbly requests sanation for the canonical erection of the religious houses of the Order which were eventually opened in the territories subject to the S. Congregation but only with the apostolic approval issued by the S. Congregation for Religious or with the other extraordinary faculties.

Eurthermorc, he requests sanation, insofar as necessary, in consequence of the above, of whatever must be sanated, especially in the case of novitiate houses or for present novices or for religious professions.

II

Petition. The Procurator General of the Order of Friars Minor, prostrate at the feet of Your Holiness, humbly requests apostolic approval, in accord with can. 497/1 C.I.C., so that a new religious house of Poor Clares of St. Colette may be canonically erected at Campbelltown in the Diocese of Wollongong.

However, since this house, in virtue of a rescript of the S. Congregation for Religious on 6 July, 1967 (Prot. N. 6733/67), has been already opened without apostolic approval on the part of the S. Congregation for the Propagation of the Faith, he also requests a sanation, as regards the past, of everything which can and must be sanated, particularly for those nuns who are presently making their novitiate or have made their profession.

Moreover, since it is possible that there may be yet other houses of nuns of whatever name, in the territories subject to the S. Congregation for the Propagation of the Faith channeled through the Order of Friars Minor, have been invalidly erected, he also requests the same approval and the same sanation for these houses.

Rescript. In virtue of faculties granted to it by His Holiness, Pope Paul VI, the Sacred Congregation for the Evangelization of Nations or for the Propagation of the Faith, after having attended to the recitals, graciously grants the favor as requested.

Given at Rome, from the offices of the Sacred Congregation for the Progation of the Faith, the 5th day of the month of August, A.D. 1968.

(Private); S. C. Gent. Evang., rescripts, 5 Aug., 1968, Prot. N. 4380/68 and 4381/68 respectively; reported by Ochoa in *Leges Ecclesiae,* vol. 3, nn. 3682 and 3683 respectively.

Exempt Religious House: Erection: faculty for. *See* c. 66; S. C. Rel. et S. I., 4 June, 1970, n. 2.

CANON 498

Exempt Religious House: Suppression: faculty for. *See* c. 66; S. C. Rel. et S. I., 4 June, 1970, n. 2.

CANON 501

Statutes of the Union of Superiors General (S. C. Rel., 29 May, 1967) Private.

Following are the statutes of the Union of Superiors General of *male*[1] institutes.

I. *Establishment and Purpose*

1. To promote the life of religious institutes and institutes of common life for the service of the Church by a more efficacious

[1] Statutes of the Union of Superioresses General are reported in *Canon Law Digest,* 6, pp 448-455; 472-4/6; also in *Canon Law Digest for Religious,* under canon 501 of the 1966 and 1967 annual supplements respectively.

collaboration between them and by a more beneficial contact with the Holy See the *Union of Superiors General*[2] is established.

II. *Members*

2. Members of this Union by right are the superiors general of religious institutes or of institutes of common life of pontifical law. Among such superiors general are also included abbots primate and abbots president of monastic congregations.

3. Superiors general of institutes of diocesan law can also belong to the Union as associate members provided that they inform the Council of the Union in writing about their adherence.

III. *Organs*

4. The Union of Superiors General comprises the following organs:

ij) General Assembly.

b) Council.

c) General Secretariat.

d) Commissions.

IV. *General Assembly*

5. The general assembly is composed of all superiors general who arc by right members of the Union. Superiors general who reside outside Rome can be habitually represented by their procurator general. Those who reside in Rome but find it impossible to participate personally in the assembly, can delegate their vicar or a member of their general council or their procurator general. By way of exception, superiors general, whether they reside inside or outside Rome, can be represented also by another religious of the same institute if he is approved by the general council of the institute.

JPrior to issuance of this document, this organization had been called the *Roman Union of Superiors General.* Since it is an international organization, the term *Roman* is now dropped from the title. Cf. *Vida Reltgtosa, 25* (1968). 179.

6. The objectives of the general assembly, among others, will be:

a) communication on the part of the Holy Sec.

b) exchange of information and ideas of common interest as well as their study.

c) determination of the point of view of the Union on discussions in which it is necessary or fitting that the Union take a united stand.

d) creation of permanent commissions.

e) election of delegates from the Union to the "Synod of Bishops and all other elections which according to these statutes come within the competency of the general assembly.

f) examination and approval of the annual financial statement presented by the council and determination of the contribution of the members of the Union for the expenses of the said Union.

7. The general assembly should be convoked at least three times in the year.

V. *President*

8. The Union has a president who exercises his functions in accord with the statutes.

9. The president is elected by the general assembly by secret ballot and always by an absolute majority.

10. All who are members of the general assembly by right have active voice while only those who reside in Rome or its environs have passive voice.

11. The president will remain in office for three years and can always be reelected. However, if he ceases to be a superior general, he also yields his office as president.

12. The functions of the president are:

a) officially to represent the Union.

b) to convoke and to preside at the general assembly and the council of the Union.

c) to convoke and, in person or by delegate, to preside at the election meetings of the groups provided for by the statutes.

d) after obtaining the opinion of the council, to name one of the members of the said council which handles raised questions of common interest. He will serve as intermediary between the Union of Superiors General and that of Superioresses General.

e) after obtaining the opinion of the council, to name representatives or delegates of the Union for special organizations or circumstances.

f) with the consent of the council, to name the secretary general and treasurer of the Union and other appropriate permanent secretarial assistants.

VI. *Council*

13. The council is the executive organ of the Union of Superiors General and must be convoked at least four times in the year.

14. It is composed of the president of the Union, the vice-president, and from the seven councillors some representatives of the seven groupings of religious institutes or institutes of common life (i.e., canons regular, monks, mendicant orders, clerks regular, clerical religious congregations, societies of common life, lay religious congregations).

15. The vice-president is elected by the general assembly by secret ballot and with the majority in accord with canon 101.

16. The vice-president substitutes for the president when the latter is absent or temporarily impeded. He becomes president "to fill out the thrcc-ycar term" when the office of president falls vacant. In the latter case and whenever the office of vice-president becomes vacant, the next general assembly proceeds to the election of a new vice-president "to fill out the three-year term."

17. The council members arc elected in a respective manner: each one by the superiors general of the grouping which must be represented. The norm for election is always that in canon 101.

18. The vice-president and councillors remain in office for a thrcc-ycar term, always on condition that they actually continue as superiors general. In the event of vacancy of some council membership, the respective group, after it has been convoked according to law by the president, proceeds within three months to a new election "to fill out the three-year term."

19. Under the direction of the president, the council has the task of organizing the activities of the Union, and in particular:

a) to express opinion or consent as provided for in the statutes.

b) to prepare the agenda for the general assembly.

c) to look after the efficiency of the general secretariat.

d) to name members of the permanent commissions created by the general assembly and to look after their functioning.

e) to create and to organize temporary commissions.

f) to handle urgent cases which cannot await convocation of the general assembly but with the obligation to report on them to the said assembly.

g) to exercise control over the financial administration.

VII. *General Secretariat*

20. Under the control of the council, will function a general secretariat composed of the secretary general, the treasurer, and other appropriate assistants for them.

21. The secretary and treasurer must be religious but not necessarily superiors general.

22. The functions of the secretary general will be:

a) to look after the plans for the general assembly and for the meeting of the council and of the commissions.

b) to draw up minutes of the general assemblies and of the meetings of the council which he attends.

c) to take care of official communications of the Union, the correspondence and the archives of the Union.

d) to supervise the work of assistants, if had.

23. The function of the treasurer is to take care of the financial administration of the Union.

VIII. *Commissions*

24. Commissions can be permanent or temporary.

25. Commissions created by the general assembly arc composed of a variable number of members chosen from among the superiors general who can be substituted for by their delegate. Similarly, each commission can add experts to its number.

26. The members of each permanent commission appoint a president to guide its activity and a secretary to draw up its acts and assist its work in every' way.

27. The permanent commissions will transmit to the general assembly the results of their work in a written or oral report in accord with the cases and circumstances.

28. If had, the temporary commissions named by the council can have members who are not superiors general and will proceed according to the directives of the said council.

IX. *Election Procedure*

29. Relative to election matters, each general assembly must be convoked by written notice and, in as far as possible, at least two months ahead of time.

30. Those who are by right members of the Union, can participate in the assembly thus convoked either personally or through their delegate as provided for in n. 5 of the present statutes. In the letter case the delegate must possess a written statement of delegation.

31. Elections are conducted in accord with the norms of common law and whatever is explicitly set down in the present statutes.

32. In election of delegates to the Synod of Bishops, the norms set down in the special pontifical regulations must be observed.

33. An assembly convoked in accord with n. 29 of the present statutes can proceed both validly and licitly to the established elections without taking the absentees into account.

(Private); S. C. Rel., Statutes, 29 Mav, 1967; reported in *Cont. pro Relig.,* 49 (1968), 66.

Local Superior: Required by Law (S. C. Rel. et S. I., 5 Oct. 1969) Private.

This Sacred Congregation has given careful consideration to the request which you submitted in the name of the Special General Chapter of your institute, for permission to make certain experiments in the form of government of local houses.

The mind of this Sacred Congregation on the matter is as follows: The office of superior cannot be dispensed with in the government of local houses. This, among other things, is made clear in the decree, *Perfectae cariatis,* n. 14 which, in emphasizing the duties of the superior toward the community, by that very fact reaffirms the necessity of having a superior in any type whatever of religious house.

Superiors, on the other hand, should be careful to observe what is laid down in the same paragraph of the decree referred to above in regard to listening to the Sisters of their communities and holding with them those discussions and consultations which, if properly carried out, can be such a valuable contribution to the welfare of the community and of the individual.

In this perspective, the constitutions may determine also the matters in which the local superiors, in the discharge of their duties, will be obliged to obtain the consent of their local communities.

(Private); S. C. Rel. et S. 1., Reply, 5 Oct., 1969, Prot. N. 1678/69 (C. 95); original English text.

Participation by Lay Religious in Government of Clerical Institutes (S. C. Rel. et S. I., 27 Nov., 1969) AAS 61-739.

Following is the "Decree *[Clericalia instituta],* on the degree to which lay members can participate in the government of clerical religious institutes."

Clerical religious institutes which include brothers, *conversi,* coworkers, or like members called by some other name, were advised by the Second Vatican Ecumenical Council to associate them closely to the life and works of the community with the intent that a more intimate bond of brotherhood may exist between members (cf. *Decree on Religious Life,* n. 15).

Furthermore, the Supreme Pontiff, Paul VI, in his apostolic letter, *Ecclesiae sanctae,* issued *motu proprio,* set it down that general chapters should explore the way in which the said nonclerical members "may gradually obtain an active voice (the right to vote) in certain specified community acts and in elections, and in the case of certain offices even a passive 'voice (capacity' to be elected)" *(Ecclesiae Sanctae,* II, η. 27).

Since, however, the question has arisen in some clerical institutes about the offices which the aforesaid brothers can assume without prejudice to the clerical nature and character which the special chapters are forbidden to change (cf. *Ecclesiae Sanctae,* II, η. 6), the Sacred Congregation for Religious and Secular Institutes, after it had sought the opinion both of its consultors and of the Union of Superiors General, took pains to have the question examined in the plenary session recently held on the 8th and 9th of October.

After having maturely considered everything, the reverend Fathers decided:

1.General Chapters of clerical religious institutes can decree that lay religious can be allowed to exercise purely' administrative offices such as treasurer, bookkeeper, and others of that kind which do not have a direct relation to the ministry which is properly priestly.

2.The said chapters can likewise grant them active and passive voice regarding chapters on any level, elections and the handling of business matters which must be taken up in these chapters, according to the measure and conditions imposed by the very nature of things or as stipulated by the general chapter.

3.In addition, they can decree that, within the same limitations, nonclerical members can discharge the function of councillor on any level.

4. On the other hand, nonclerical members will not be able to assume the office of superior or of vicar, general, provincial or local.

The Supreme Pontiff, in the audience granted to the undersigned Cardinal Prefect on the 13th of November, 1969, approved the decision of the plenary Congregation and ordered that it become part of public law.

Wherefore the Sacred Congregation by virtue of this decree has taken pains that the aforesaid decision of the plenary session of the 8th and 9th of October, 1969, be promulgated.

Consequently, whatever is granted by the general chapters within the specified limitations mentioned above, that same Sacred Congregation ratifies and approves.

The present decree is applicable also to societies of common life. However, in no way does it affect the institutes which are "not exclusively lay" which are spoken of in n. 15 of the *Decree on Religious Life*. Neither does it derogate in any way from the particular law of certain institutes, even though they are clerical, which, for special reasons proper to themselves, have, with the approval of the Apostolic See, determined the status of their nonclcrical members.

All things to the contrary notwithstanding.

Given at Rome, the 27th day of November, 1969.

AAS 61-739; S. C. Rel. et S. 1., Decree, 27 Nov., 1969. Annotations in *Com. pro Relig.*, 51 (1970), 97-114 (Gutierrez),

NOTE: The following *Declaration* relative to the above decree was issued, undated, by the same Sacred Congregation, Prot. N. 1511/59, and distributed to major religious superiors in the United States by the U. S. Apostolic Delegate under date of 17 April, 1970, Prot. N. 811/70;

DECLARATION

The Second Vatican Council's Decree on the Renewal of Religious Life urged that in the life and apostolic activities of religious institutes greater role than in the past should be brought within the reach of those members traditionally known as "lay" or "coadjutor" religious in "clerical" institutes. In these institutes the difference between "lay" and "clerical" religious were at times quite marked. The Council document *(Perfectae caritatis,* η. 15) limited itself to this general suggestion, preferring to leave the concrete application of its recommendation to each individual institute according to particular needs, tradition, spirit and the like.

One of the most far-reaching efforts in this direction was made by the 1967 General Chapter of the Order of Friars Minor. This chapter, while still wishing to retain the clerical nature of the Order, voted to regard all its members as "friars", without distinction as to lay or clerical status, thus insuring absolute equality in whatever pertains to the religious life, including eligibility for all offices and responsibilities within the Order.

In early 1968 rhe Minister General submitted the recommendations of the general chapter to the Holy See for approval. The Sacred Congregation for Religious and for Secular Institutes replied that the proposed modification was one of the utmost importance, since it dealt with the very nature of the order and that a definitive answer would require careful study at the highest level.

The first phase of this detailed study was entrusted to the juridical office of the Sacred Congregation, which carefully weighed all the phases of the question. The "dubium" was then submitted individually to nine consultorsof the Sacred Congregation, of different religious backgrounds, with the request that each one study the problem and report on his conclusions. Although the conclusions of the consultors were not unanimous, they nevertheless reflected a marked degree of agreement.

In the course of this preparatory study it was decided to make the ultimate decision applicable not only to the specific case of the Friars Minor but also to all lay religious members of "clerical" institutes of whatever kind. Under this heading were included all those institutes which, by the will of their founder, or in view of their priestly ministry, are regarded as "clerical".

On March 21,1969, through the Union of Superiors General of Men, the superiors general of such institutes were asked to express their opinions. On March 26, 1969, these same superiors general were advised that their answer could be sent either directly to the Sacred Congregation or through the Roman office of their Union. Actually, this polling of the superiors general of clerical institutes elicited very few replies.

On August 7, 1969, a complete dossier was forwarded to all the cardinals, archbishops, bishops and superiors general who are the official members of the Sacred Congregation.

The plenary meeting of the Sacred Congregation for Religious and for Secular Institutes was held in the Vatican, in the "Hall of the Congregations" on October 8-9 1969. Present at the meeting were seventeen cardinals, of whom seven were religious and six of the seven residential archbishops, plus the three superiors general of clerical institutes elected by the Union of Superiors General of Men – (the superiors general of the Cistercians of the Common Observance, the Society of Jesus, and the Salesians).

This particular topic occupied the attention of the assembly for an entire session lasting close to three hours. After the presentation of the question under its various aspects by the "Relator" previously designated, each member was called upon individually to express his personal viewpoint. The vote of the Fathers was practically unanimous on the four questions formulated in the "dubium".

The conclusions of the "Plenaria" were later submitted to the Holy Father by the cardinal prefect of the Sacred Congregation in private audience on November 13, 1969. His Holiness approved the text and ordered that it be published. I he relative decree of the Sacred Congregation for Religious and for Secular Institutes appeared in the *Acta Apostolicae Sedis* for November 27,1969.

The conclusions reached by the plenary meeting of the Sacred Congregation were not motivated by any considerations of excessive "clericalism", nor on any supposed principle that no priest member of a religious institute can be

subject to a lay religious in what pertains to the religious life. There arc concrete cases to the contrary. Neither was any important role played by canon 118 of the Code of Canon Law, which demands clerical status for the exercise of ecclesiastical jurisdiction.

The basic consideration was that although both clerical and lay religious arc equally members of their respective institute and thus, as religious, can enjoy the same rights and be bound by the same obligations, nevertheless a new dement comes into the picture in clerical institutes. In such institutes, superiorship on any level involves in varying degrees the direction and supervision of the priestly ministry. Because of the particular obligations entailed by the administration of the sacraments, especially the celebration of the Eucharist, the official preaching of the word of God, etc., the priestly ministry calls for special competence and preparation, plus the particular ministerial grace which is one of the main fruits of the sacrament of Orders. It hardly needs to be poirtted out that individual lay religious may be men of outstanding talents, even surpassing those of individual priests. But for the priestly ministry the lay religious has neither the special preparation nor the particular "social" grace or charism demanded for priestly ministrations.

N. 15 of *Perfectae caritatis* really opens vast new possibilities for lay religious. It can hardly be called “discriminatory" unless the discussion starts with the supposition that lay and clerical religious are equal in all aspects of their religious life and apostolate, the priestly ministry included. Lay religious in clerical institutes can now be members of council on the local, the provincial and the general levels. They may also become eligible for membership in chapters on all levels. They can be appointed or elected to many offices. The decree assures to lay religious a new prominence in their respective institutes, enabling them now to accede to many phases of the life and activities of their communities which were hitherto beyond their reach.

It has been suggested that a lay religious might be superior of a community, a province or an entire clerical institute as far as the religious life is concerned, while a priest could be charged with the special ministerial aspects of priestly life and activity. This proposal to divide these essentially different fields, besides thus conceding implicitly that the lay religious is not equipped for the direction of the ecclesiastical ministry, would result in dual authority on the various levels of community life, thus creating a dichotomy which could easily lead to undesirable consequences.

The Sacred Congregation for Religious and for Secular Institutes trusts confidently that this decree will encourage all lay religious in clerical institutes to the widest possible use of their talents and generosity in the fields now placed within their reach, thus enabling them, in close collaboration with the priests of their institutes, to carry out fruitfully their special apostolic work in the Church. Thus, far from reflecting any bias or lack of understanding of the lay religious vocation or of its indispensable role in the Church, the Holy See has endeavored to promote the intrinsic and proper values of this vocation so highly praised by the Second Vatican Council.

General Chapter: Annual Meetings and Authority (S. C. Rel. et S. I., 11 Jan., 1972) Private.

A particular institute of religious women received the following reply from the S. C. for Religious and for Secular Institutes.

It is not advisable to hold an annual meeting of your Chapter. In any case, this cannot have the function of a General Chapter. It must be clear that these meetings do not have the power given to the regular chapter by *Ecclesiae Sanctae,* nn. 4, 6.[1]

(Private); S. C. Rel. et S. I., reply, 11 Jan., 1972; reported *inRfR,* 32 (1973),1173.

Statutes of the Union of Superiors General: Revised (S. C. Rel. et S. I., 28 June, 1972) Private.

The revised statutes* of the Union of Superiors General had a covering letter which is as follows.

In response to your esteemed letter of the 6th of this month, it gives me pleasure to inform you that this Sacred Department, after taking action on the modifications of some points of the statutes of the said Union as shown in the pages which you kindly attached, very gladly approves them with the following observations:

1. As *regards n. 19,*[2] *g (new):* The addition proposed for the interpretation of the statutes makes more evident the lacuna adverted to in them regarding the manner of procedure for their later modification. It will be fitting, then, to close it up by inserting, either as a continuation of the aforesaid addition or in some other place: "every later modification of the statutes will have to be approved by the general assembly and confirmed by the Holy See."

2.As *regards n. 19,*[3] *b (new):* It is though appropriate to insert into the text the italicized words: "to promote, *in accord with the Sacred Congregation for Religious and for Secular Institutes,* contacts with the national conferences of major superiors."

[1] Reported in *Canon Lazu Digest,* 6, p. 285.

* Previous statutes. 29 May, 1967, arc reported above under this same canon.

[2] Numeration is that of the 1967 statutes. This provision is n. 35 of these revised statutes.

[3] Old enumeration; this is n. 20, h in this revision.

STATUTES OF THE UNION OF SUPERIORS GENERAL

I. *Establishment and Purpose*

1. To promote the life of religious institutes and institutes of common life for the service of the Church by a more efficacious collaboration between them and by a more beneficial contact with the Holy See and with the hierarchy the *Union of Superiors General* is established.

II. *Members*

2. Members of this Union by right arc the superiors general of religious institutes or of institutes of common life of pontifical law. Among such superiors general are also included abbots primate and abbots president of monastic congregations.

3. Superiors general of institutes or diocesan law can also belong to the Union as associate members provided that they inform the Council of the Union in writing about their adherence.

Ill. *Organs*

4. I he Union of Superiors General comprises the following organs:

a) General Assembly.
b) Council of the Union.
c) Council for relations between the Sacred Congregation for Religious and the Union.
d) General Secretariat.
e) Commissions.

IV. *General Assembly*

5 I he general assembly is composed of all superiors general who arc by right members of the Union. Superiors general who find it impossible to participate personally in the assembly, can delegate their vicar or other member of their general council, or the procurator general, or another religious of the same religious institute. However, when there is question of voting and of electing, the delegate of the superior general must be furnished with written delegation.

6. fhe objectives of the general assembly, among others, will be:

a) communication on the part of the Holy See.

b) exchange of information and ideas of common interest as well as their study.

c) determination of the point of view of the Union on discussions in which it is necessary or fitting that the Union take a united stand.

d) creation or suppression of commissions.

e) election of delegates from the Union to the "Synod of Bishops and all other elections which according to these statutes come within the competency of the general assembly.

f) examination and approval of the annual financial statement presented by the council and determination of the contribution of the members of the Union for the expenses of the said Union.

7. When a general assembly has been duly convoked and when it must come to discuss and vote on an important question, the majority of those present will be sufficient to render a valid and licit decision.

8. The general assembly will have to be convoked at least once a year and every time that an important question arises to be discussed or an election to be made.

V. *President*

9. The Union has a president who exercises his functions in accord with the statutes.

10. The president is elected by the general assembly by secret ballot and always by an absolute majority.

11. All who arc members of the general assembly by right have active voice while only those who reside in Rome or its environs have passive voice.

12. The president will remain in office for three years and can always be reelected. However, if he ceases to be a superior general, he also yields his office as president.

13. The functions of the president are:

a) officially to represent the Union.

b) to convoke and to preside at the general assembly and the council of the Union.

c) to convoke and, in person or by delegate, to preside at the election meetings of the groups provided for by the statutes.

d) after obtaining the opinion of the council, to name one of the members of the said council which handles questions of common interest. He will serve as intermediary between the Union of Superiors General and that of Superioresses General.

e) after obtaining the opinion of the council, to name representatives or delegates of the Union for special organizations or circumstances.

f) with the consent of the council, to name the secretary general and treasurer of the Union and other appropriate permanent secretarial assistants.

VI. *Council*

14. The council is the executive organ of the Union of Superiors General and must be convoked at least four times in the year.

15. It is composed of the president of the Union, the vice-president, and from the seven councillors some representatives of the seven groupings of religious institutes or institutes of common life (i.c., canons regular, monks, mendicant orders, clerks regular, clerical religious congregations, societies of common life, lay religious congregations).

16. The vice-president is elected by the general assembly by secret ballot and with the majority in accord with canon 101.

17. The vice-president substitutes for the president when the latter is absent or temporatily impeded. He becomes president "to fill out the three-year term" when the office of president falls vacant. In the latter case and whenever the office of vice-president becomes vacant, the next general assembly proceeds to the election ofa new vice-president "to fill out the three-year term."

18. Each one of the council members is elected respectively by the superiors general of the grouping which must be represented and the voting is always according to the norm of canon 101.

19. The vice-president and councillors remain in office for a three-year term, always on condition that they actually continue as superiors general. In the event of vacancy of some council membership, the respective group, after it has been convoked according to law by the president, proceeds within three months to a new election "to fill out the three-year term."

20. Under the direction of the president, the council has the task of organizing the activities of the Union, and in particular:

a) to express opinion or consent as provided for in the statutes.

b) to prepare the agenda for the general assembly.

c) to look after the efficiency of the general secretariat.

d) to name members to the permanent commissions created by the general assembly and to look after their functioning.

e) to create and to organize temporary commissions.

f) to handle urgent cases which cannot await convocation of the general assembly but with the obligation to report on them to the said assembly.

g) if difficulties should arise on the merit of the present statutes, the council has the power to give an interpretation of them with the obligation of reporting them to the next general assembly.

h) to promote, in accord with the Sacred Congregation for Religious and for Secular Institutes, contacts with national conferences of major superiors.

i) to exercise control over the financial administration.

VII. *General Secretariat*

21. Under the control of the council, will function a general secretariat composed of the secretary general, the treasurer, and other appointed assistants for them.

22. The secretary and treasurer must be religious but not necessarily superiors general.

23. fhe functions of the secretary general will be:

a) to take care of the organization of the general assembly and of the meetings of the council and of the commissions.

b) to draw up minutes of the general assemblies and of the meetings of the council which he attends.

c) to take care of official communications of the Union, the correspondence and the archives of the Union.

d) to supervise the work of assistants, if had.

24. The function of the treasurer is to take care of the financial administration of the Union.

VIII. *Commissions*

25. Commissions can be permanent or temporary.

26. Commissions created by the general assembly are composed of a variable number of members chosen from among the superiors general who can be substituted for by their delegate. Similarly, each commission can add experts to its number.

27. The members of each permanent commission appoint a president to guide its activity and a secretary to draw up its acts and assist its work in every way.

28. 1'he permanent commissions will transmit to the general assembly the results of their work in a written or oral report in accord with the cases and circumstances.

29. Il had, the temporary commissions named by the council can have members who are not superiors general and will proceed according to the directives of the said council.

IX. *Election Procedure*

30. Relative to election matters, each general assembly must be convoked by written notice and, insofar as possible, at least two months ahead of time.

31. Those who are by right members of the Union, can participate in the assembly thus convoked either personally or through their delegate as provided for in n. 5 of the present statutes. In the latter case the delegate must possess a written statement of delegation.

32. Elections are conducted in accord with the norms of common law and whatever is explicitly set down in the present statutes.

33. In elections of delegates to the Synod of Bishops, the norms set down in the *Ordo Synodi* must be observed.

34. An assembly convoked in accord with n. 30 of the present statutes can proceed both validly and licitly to the established elections without taking absentees into account.

X. *Statutes*

35. Every later modification of the statutes will have to be approved by the general assembly and confirmed by the Holy See.

(Private); S. C. Rel. et S. 1. statutes, 28 June, 1972, Prot. N. AG 2232/61; reported in *Com. pro Rel.,* 5 3 (1972),262-267.

Modification of Constitutions (S. C. Rel. et S. I., 10 July, 1972) Private.

The following letter was addressed to superioresses general by the secretary of the S. C. for Religious and for Secular Institutes.

In a letter dated 4 December, 1967,* the Sacred Congregation for Religious and for Secular Institutes requested institutes to send the acts of their special general chapters which were to be held according to the *motu proprio, Ecclesiae Sanctae,* part Π, η. 3.

in making this request the Sacred Congregation wished to be aware of the experiments in progress and also to know if the chapters remained within the limits set by the *motu proprio.* This permitted

l Reported in *Canon Law Digest,* 6, pp. 476-477.

^Entire part II reported in *Canon Law Digest,* 6, pp. 284-293.

modifications of the constitutions "ad experimentum" as long as the nature, end and purpose of the institute would be preserved.

Following this letter, many institutes sent their capitular acts and this Sacred Congregation has responded to many, making the necessary observations and also permitting experiments contrary to common law.

The examination of capitular decrees up to this time shows that institutes have had to face many similar problems and, consequently, observations sent by the Sacred Congregation have also been similar. However, since six years have passed following the publication of the *motu proprio* and it is not possible to make as complete a study as we would like of the remaining acts of chapters from English-speaking communities, the Sacred Congregation believes it opportune to send a list of principal observations and suggestions. In this way each institute will be able to see those things which should be modified or improved.

Several comments are in order at this point. In this period of experimentation the Sacred Congregation does not approve new constitutions. This does not prevent the acts of the general chapters from becoming immediately effective provided, as mentioned above, the purpose, nature and character of the institute are preserved *(Ecclesiae Sanctae,* part II, n. 6).

However, every derogation from common law must have a dispensation explicitly granted. In some cases, it might easily have happened that the Sacred Congregation omitted to call attention to some change contrary to the law in force. This would have been due to an oversight and may not be interpreted as an explicit concession.

We wish here to recall some observations which the Sacred Congregation has made most frequently about acts of chapters and which we hope will be guiding norms for you in the serious work of writing constitutions.

VOWS in general: a clear definition of each vow is necessary.

1. Chastity or consecrated celibacy:

"Chastity is decisively positive; it witnesses to preferential love for the Lord and symbolizes in the most eminent and absolute way the mystery of the union of the Mystical Body with its Head, the union of the Bride with her eternal Bridegroom" *(Evangelica testificatio* n. 13).[3]

[3] Entire document reported in this volume under canon 487.

The term, *virginity,* has a specific meaning and should not be substituted for the word, *chastity.*

2. Poverty:

The matter of the vow of poverty and its practice should be *accurately specified* by the chapter.

Several factors should be included in this explanation:

Religious must recognize the importance and dignity of work in earning their livelihood. Their life style, characterized as it should be by simplicity, will result in genuine fraternal sharing, an intrinsic part of both poverty and common life.

A correct sense of dependence must be included not only in legislation but also in actual living.

Chapter decisions which tend to dispense with any kind of dependence or accountability arc not acceptable.

"The forms of poverty of each person and of each community will depend on the type of institute and on the form of obedience practiced in it. Thus will be brought to realization, in accordance with particular vocations, the character of dependence which is inherent in every form of poverty" *(Evangelica testificatio,* n. 21; also nn. 16-22).

3. Obedience:

The necessity for consultation and collaboration should be included but the obligation and the *right of the superior to exercise prudently the role of personal authority should he respected.*

"Thus, far from being in opposition to one another, authority and individual liberty go together in the fulfillment of God's Will, which is sought fraternally through a trustful dialogue between the superior and his brother in the case of a personal situation, or through a general agreement regarding what concerns the whole community."

"This labor of seeking together must end, when it is the moment, with the decision of the superiors whose presence and acceptance are indispensable in every community." *(Evangelica testificatio,* n. 25).

4. "The formula for religious profession for each congregation should be based on the ritual *Ordo Professionis,* and should be approved by the Sacred Congregation for Religious. This formula, pronounced by each sister, has to be the same since each member professes vows especially recognized by the Church and since obligation and privileges deriving from it are the same for all. This, however, docs not prevent a sister from adding something personal

before or after the formula itself. *(Ordo Professionis:* ritual, 2 February, 1970—Sacred Congregation for Divine Worship).4

GOVERNMENT;

1. Method of election of the superior general.

Although direct election has been permitted at the request of some small communities, this has been by way of exception.

2. General Chapter.

Provision should be made for the collaboration of the members of the institute and for adequate representation. Although some institutes give active voice to those members in temporary commitment, whether by vows or by promises, it is not considered feasible to give them passive voice since they have not yet made a permanent commitment of themselves in the particular institute. Those in temporary commitment may not hold positions of authority in the institute.

3. Enlarged Councils.

Powers given to enlarged councils (e.g., council members, provincials and/or local superiors) should be clearly determined. Enlarged councils are of considerable help in the task of evaluation of experiments but they should not interfere in legislative and executive functions of general councils.

4. Local Councils.

There is nothing to prevent the entire community from being members of the local council, especially in small communities. But, in larger communities, the usual type of council would be necessary particularly when rather delicate matters must be discussed; however, in other items of general interest the consultation of the entire local community is to be favored.

5. Smaller Communities.

There is no objection to these provided the "life style" be that of a religious community with a person in authority, no matter what the title. Experience of many institutes indicates that small communities should not be composed of only peer groups nor according to personal choice.

4 Reported below in this volume under canon 576.

COMMON LIFE:

1. Prayer.

Since the Eucharistic mystery is truly the center of the liturgy and even of the entire Christian life, it is normal that it hold first place in the life of religious communities and of each consecrated person. (Instruction *Eucharistictm Mysterium,* S. C. Rites, 25 May, 1967).5

In the light of *Perfectae caritatis* and of *Euangelica testificatio,* as well as from the experience of common life itself, chapters should not hesitate to prescribe a minimum of time for daily prayer, providing for both communal and personal prayer.

2. /Xpostolate.

The religious, not as a private individual but as a member of her institute, engages in apostolic work which is according to the end of her institute.

"But your activities cannot derogate from the vocation of your various institutes . . ." *(Evangelica testificatio,* n. 20).

3. Religious Dress.

Chapter decisions in this matter should follow the statements in the documents.

"The religious habit, an outward mark of consecration to God. should be simple and modest, poor and at the same time becoming." *(Perfectae caritatis,* nn. 17 ff.).

"While we recognize that certain situations can justify the abandonment of a religious type of dress, we cannot pass over in silence the fittingness that the dress of religious men and women should be, as the Council wishes, a sign of their consecration and that it should be in some way different from the forms that are clearly secular." *(Evangelica testificatio,* n. 22).

The letter sent from this Sacred Congregation on 25 February, 19726 reaffirms the above directives.

4. Other Matters.

Some chapters leave to the individual the responsibility' for decisions on recreation, vacations, going out, visits, correspondence. In these matters superiors cannot totally abdicate their authority , since superiors arc responsible for the souls confided to their care. *(Perfectae caritatis,* η. 14).

"Reported in (*'anon Law Digest, 6,* pp. 518-549.
^Reported below in this volume under canon 596.

In view of writing future eonstitutions, it is well to remark here that there should be a union of spirituality and law. Above all. the *spirit oj the gospel* should be the basis of eonstitutions, emphasizing that the essence of the consecrated life is in the total gift of self to God. I he *spirit oj the foundress,* that special eharism given to an institute through its foundress, should permeate the constitutions which embody the spiritual heritage of her daughters.

I he general legislation of the Church permits each institute to decide what will be done in some juridical matters, e.g., who will have active and passive voice, the practice of poverty within the institute, the manner of admittance to profession; therefore, these should be expressed in the constitutions.

The above observations are intended to be of assistance in answering the questions and in resolving in some degree the problems facing religious institutes today. Not all these observations will affect the present legislation of all institutes but the members of the institutes and the participants in general chapters will see those things which refer to their respective institutes.

It is hoped that these observations will serve as guidelines for the writing of constitutions which eventually must be submitted to the competent authority for approval.

It is the fervent prayer of all those privileged to assist religious institutes that the foregoing information will enable you and your sisters by means of generous efforts to bring to living reality not only the necessary external changes but also to render more fruitful that spiritual renewal which the Church asks of all of us.

Rome, 10 July, 1972.

(Private); S. C. Rel. et S. !.. letter. 10 July. 1972. Prot. N. Sp. R. 194/72; original English version, which had the following appendix of "Principal Documents on Religious Life (published since 1965); all those under nn. 2-8 can be found in *Canon Law Digest* in volume 6 or in this volume as indicated.

1. Documents of Vatican 11, especially:
   Decree·. *Perfectae cantatis,* 28 October, 1965.
   Constitution: *Lumen lientturn.* ch. 5 and 6, 21 November, 1964.

2. Pope Paul VI: ?
   Motu propno Ecclesiae Sanctae, 6 August, 1966.
   Exhortation: *Evangehca testificatio,* 29 June, 1971.

3. Decree *Religionum laicalium,* 31 May, 1966,[9] giving broader faculties to major superiors:

6. pp. 264-298. with section on religious life on pp. 284-293. HIn this volume under canon 487.
96. pp. 1 53-156.

a) dispensation of candidates from impediment of illegitimacy.
b) alienation of goods of the institute
c) permission to live outside a house of the community.
d) permission for subjects in simple perpetual vows to give away goods belonging to their patrimony.
e) permission to change a will.
f) permission to transfer the location of the novitiate (changed by *Renovationis causait)*
g) permission for a third term for local superiors.

4. Decree: *Cum Superiores Generales, 27* Nov., 1969?°

For institutes of pontifical right it is no longer necessary to apply to the Holy See for an induit of secularization tor a sister of temporary vows.

5. Decree: *Ad instituenda,* 4 June, 1970? 1

a) only the first division or total suppression of provinces is still reserved to the Holy See.
b) in exempt institutes seeking approval of the Holy See for erection or suppression of houses is suspended
c) requirements for the office of superior general
d) testimonial letters
e) length of time for retreat prior to entrance into novitiate and also to temporary vows
0 making a will before perpetual profession instead of before temporary commitment
g) canonical examination suspended
h) religious women going out without companion

6. Decree: *Dum canonicarum,* 8 December, 1970? 2

a) regarding the sacrament of penance
b) regarding refusal of admission to renewal of temporary vows or to final profession because of illness

7. Decree. *IExperimenta circa regiminis rationem,* 2 February, 1972? 3

Concerning the necessity of the personal authority of the superior, without prejudice to the practice of legitimate consultation and to the limits placed by common or particular law.

8. Instruction: *Renovationis causam,* 6 January, 1969.[14]

The entire law on the novitiate, with the possibility of promises, is revised. Each institute should have its formation program based on this instruction with approval by the general chapter.

,OIn this volume under canon 66.
11 In this volume under canon 66.
12In this volume under canon 595.
1 'in this volume under canon 5 16.
14In this volume under canon 5 38.

Conferences of Major Superiors: Papal legates, relation, .See c. 265; Paul VI, *motu proprio,* 24 June, 1969. η. IX.
International Union of Superioresses General: Paul VI, allocution on authentic renewal, 22 Nov., 1969 (AAS 61-782); Eng. vers, in *Holl,-tin U.I.S.H.,* 15 16 (1970), 9-15; *Tbe Pope Speaks.* 14 (1969-70), 364-366.
Oriental-rite Religious: Special faculties. See c. 1; S. C. Eccl. Or., 27 June, 1972.
Superioresses General: Paul VI, allocution to, at international assembly at Rome, 29 Oct., 1970 (AAS 62-765). Eng. version in *Bulletin U.I.S.G.,* no. 18 (Nov., 1970),5-8.
Prefect of S. C. Rel. et S. 1., address to, on 24 Nov., 1970. Eng. version in *Bulletin U.I.S.G..* nn. 1 5-16 (1970).1 31 -1 38.

CANON 502

Superior: Personal authority of. *See* c. 516; S. C. Rel. et S. I., 2 Feb., 1972, n. 1.

CANON 504

Superior Qualifications regarding age and profession. *See c.* 66; S. C. Rel. et S. I., 4 June, 1970, n. 3.

CANON 516

Form of Ordinary Government; Secularized Religious Men and Ecclesiastical Offices (S. C. Rel. et S. I., 2 Feb., 1972) AAS 64-393.

Following is the decree. *Experimenta circa,* "on the form of ordinary government and the eligibility of secularized religious men for ecclesiastical offices and benefices."

Experiments which have been introduced regarding the form of government have stirred up not a few problems and questions, especially in reference to the personal authority of the superior.

Moreover, at this time it has seemed opportune to submit to examination the prohibitions of canon 642 which affect secularized religious men.

Having at hand the study made by its consultors, the members of this Sacred Congregation, in its plenary meeting on the 24th and the 25th of September, 1971, weighed throughly the following questions:

1 Reported above in this volume under canon 487

1. Whether, contrary to canon 516, an exclusive and collegial form of ordinary government can be rightfully admitted for a total religious institute, or for a province, or for individual houses in such wise that the superior, if one is had, is merely an executor?

2. Whether canon 642 of the *Code of Canon Law* can be suspended so that religious men who have been duly dispensed from their vows can be eligible for or retain, without special permission of the Holy Sec, every kind of ecclesiastical office, benefice or assignment?

After having duly weighed everything, the members in the above-mentioned meeting unanimously voted to establish the following;

To tbefirst: In tbe negative.

According to the mind of the Second Vatican Ecumenical Council (deer. *Perfectae caritatis, η.* 14) and the papal exhortation, *Ewmgelica testificatio,}* n. 25 (/1/l.S'., 63 [1971 J,510), superiors must possess personal authority with consideration had of legitimate consultation and the limitations placed by both common and particular law.

To tbe second. In tbe affirmative, that is, tbe prescription of tbe (anon should be considered suspended.

The Supreme Pontiff, Pope Paul VI, in the audience granted to the secretary of this Sacred Dicastery on the 18th of November, 1971, deigned to approve the conclusions of the plenary meeting.

Wherefore, the Sacred Congregation for Religious and for Secular Institutes, by the present decree, decides to publish the aforesaid decisions.

What has been decreed here, however, goes into effect at once and docs not require an executory formula.

The present provisions will be valid until the revised code of canon law takes on force.

Given at Rome, the 2nd day of February, 1972.

AAS 64-393; S. C. Rel. et S. I., decree, 2 bcb., 1972; the original form which was distributed to religious superiors with slightly less elaboration in question 2 and its answer, carried Prot. N. Sp. R. 90/70.

Concillon: General: address of hr. Heston, secretary of S C. Rel. et S. I., at Rome to the Association of English-speaking Councillors of Sisterhoods, on the importance and role of councillors today, 4 Jan., 1970, reported in *Catb.* .Mwn/, 68 (April, 1970),54-58.

CANON 519

Religious Men: Confession: interim provisions until Code in revised. *See* c 595; S. C. Rel. et S. I., 8 Dee., 1970, sect. I, nn. 1-3 and 5.

CANON 520

Religious Women: Confession. *See* c. 595; S. C. Rel. et S. I., 30 Aug., 1969; 16 April, 1970; 8 Dec., 1970, sect. I.

CANON 521

Dispensation from Law on Extraordinary Confessor (S. C. Gent. Evang., 3 Oct., 1968) Private.

This Sacred Congregation is in receipt of your letter of August 29th last, on behalf of the Franciscan Missionary Sisters, requesting a dispensation "ad experimentum" from canon 521, §1, in the matter of the extraordinary confessor.

It is noted that the Sisters prefer to confess to the confessor of their own choice among those approved in the archdiocese for confessions of religious women, rather than to a single confessor appointed for the whole convent.

In this regard, I hasten to inform Your Grace that this Sacred Dicastery, after due consideration of the reasons brought forward, grants the requested dispensation.

(Private); S. C. Gent. Evang., Reply, 3 Oct., 1968, Prot. N. 4966.68. Copy of original kindly sent us by the Rev. M. B. Walsh, S.J., Asst. Chancellor of the Archdiocese of Kingston.

Extraordinary Confessor: Religious women, especially in houses of formation and in contemplative monasteries. *See* c. 595; S. C. Rel. et S. I., 8 Dec., 1970, sect. 1, n. 4, *b)*.

CANON 524

Confessor: for religious women: qualifications and appointment. *See* c. 595; S. C. Rel. et S. 1., 8 Dec., 1970, sect. I, n. 4.

CANON 528

Confessor: in institutes of lay religious men. *Set' c.* 595; S. C. Rel. et S. I.. 8 Dec., 1970, sect. 1. nn. 4-5.

CANON 534

Alienations, Debts: Spain: It) million pesetas in new norm; S. C. Cler., 31 Jan.. 1968, reported with annotations (Regatillo) in *Sal Terrae,* 57 (1969).

Limit Values in Various National Currencies, fixed by respective episcopal conferences. *See c. 66, ref.*

CANON 538

Formation Problems (S. C. Rel., 23 Jan., 1967) Private.

The following letter, dated 17 November, 1966, was addressed to the Holy Father by the episeopal conference of Belgium.

The Bishops of the conference of Belgium, assembled in plenary session on 4 October, 1966, humbly set forth the following:

1. The number of novices in women's congregations of diocesan law in our day is extremely small (about 20 for 5000 religious).

2. Because of the smallness of their number (one or, at most, two or three in one and the same congregation), the actual training of the novices turns out, as a matter of fact, to be very difficult and, at the time of temporary profession, often leads a novice to taking up the religious life when she cannot be said to be a mature adult.

3. I he number of junior religious professed of temporary vows who wish to return to the world is always increasing.

To provide a remedy for this state of affairs, the bishops of the conference of Belgium, in accord with the requests of the major superiors of congregations of diocesan law, earnestly request that the local Ordinary, according to the intent of art. 37 in conjunction with an. 6 of the norms for the implementation of the decree. *Perfectae caritatis,* of Vatican Council II, be able to permit experiments relative to the place and time of the postulancy and novitiate, even in derogation from the common law.

1 Sec *Canon hiw Digest,* 6, p. I 57.

The purpose in mind is:

1.to safeguard and insure a training for religious life which will be better suited but not less demanding or stringent, through a period of time protracted to 5 or 7 years.

2.to provide a religious training which is more genuine and open, through more frequent contact with the outside world and through incorporation into communities which are truly fervent. All this would be prudently alternated with periods of retreat or separation which remain absolutely necessary for serious formation.

3.to have the said training made on a community basis: namely, in keeping with the formation for each particular congregation, greater possibilities are desired for lectures in common and for study sessions in matters called doctrinal, social, apostolic, and generally cultural, as well as in those which pertain directly to the religious life.

Reply. This Sacred Congregation has attentively examined what Your Eminence, in the name of the bishops of the conference of Belgium, has set forth in your letter of 17 November, 1966. Now, after having weighed everything, it declares its mind and replies as follows:

Certainly lamentable is the condition of the diocesan congregations described in the aforesaid letter relative to the lack of vocations and to the readiness with which those professed of temporary vows return to the world. And yet, at least for the most part, these failures, it seems, can be corrected by advocating a union, or a fusion, or even a confederation of the institutes as is provided for in the conciliar decree. *Perfectae caritatis,* nn. 21-22, and the *motu proprio, Ecclesiae sanctae,* nn. 39-41.

In other nations, for example, in France, where almost the same situation exists as that described by Your Eminence, it was met in some cases at the request of the Ordinaries and with very happy results, by the fusion or federation of the diocesan congregations.

Relative, however, to the experiments or remedies mentioned in your letter, Your Eminence should please note the following:

The religious institutes themselves, after they have taken counsel and with the assistance of the local Ordinaries concerned can make appropriate decisions regarding the amount of time necessary that the girls who wish to embrace the religious life, can maturely test their plan.

On the other hand, it must be recalled that the postulancy, novitiate, and temporary profession conduce very well to effecting ma-

turity, especially psychological. Also to be recalled is that the entrance into the novitiate must not be protracted for too long a time, however, in this matter, each case must be examined individually.

With regard, however, to the religious training which is desired to be "more genuine and open . . .," and which is hoped for "through more frequent contact with the outside world," if this training must be obtained during the time of the novitiate, one can ask how contact with the outside world can be had and how the novitiate can achieve its purpose. On the other hand, if, for reasons of the apostolate, the contact with the outside world concerns the religious in temporary vows, this is already provided for in the *tnotu proprio, Ecclesiae sanctae,* η. 36.

Finally, if congregations of diocesan law are found which, in the judgment of the Ordinaries, cannot care for the suitable training of their members, and if there is real hope that they will recover, the Ordinaries themselves can permit or, if need be, can urge that the training take place in communities which arc truly flourishing.

(Private); S. C. Rd., Reply, 23 Jan., 1967, Prot. N. 13270/66, both documents reported in *Periodica,* 59 (1970), 71-73.

Religious Formation: Renewal (S. C. Rel. et S. I., 6 Jan., 1969) AAS 61-103.

Following is an "Instruction on the renewal and adaptation of formation for living the religious life" *{Renovationis causam).*

INTRODUCTION

When it took up the question of renewal so that the Church might be enriched with a greater abundance of spiritual vigor and be the better prepared to proclaim the message of salvation to persons of our age, the Second Vatican Ecumenical Council devoted no small measure of attention also to those who pursue the divine gift of a religious vocation, and set forth in a clearer light the nature, structure and importance of their way of life.[1] Concerning their place in the body of the Church, the Council affirmed: "Although the state

'Cf. Dog. const. *Lumen gentium,* n. 43 ff.; deer. *Perfectae caritatis.*

which is constituted by the profession of the evangelical counsels, does not belong to the hierarchical structure of the Church, nevertheless it certainly belongs to her life and holiness."[2]

Besides, "since it is the function of the hierarchy of the Church to nourish the People of God and lead them to the richest pastures (cf. *Ezek.* 34:14), it belongs to the same hierarchy to make wise adjustment in the laws governing the practice of the evangelical counsels whereby the perfection of love for God and neighbor is uniquely fostered. Compliantly following the prompting of the Holy Spirit, the hierarchy also accepts the rules proposed by eminent men and women, and authentically approves their later modifications. Moreover, by its watchful and protective authority, the hierarchy keeps close to the institutes which have been set up far and wide for the upbuilding of Christ's body, so that they can grow and flourish in accord with the spirit of their founders."[3]

It is no less true that the generous vitality, especially the renewal of the spiritual, evangelical and apostolic life which must animate religious institutes in the untiring pursuit of the day-to-day deepening of charity, depends chiefly on those to whom the task of governing the said institutes in the name of the Church and with the help of heaven's grace has been entrusted and, at the same time, on the generous cooperation of all the members. It is of the very nature of the religious life, just as it is of the very nature of the Church, to have that structure without which no society, not even a supernatural one, can achieve its objective, or be in a position to provide the best means to attain it.

Wherefore, having learned also from experience garnered through the course of centuries, the Church was led to the gradual formulation of a body of canonical norms, which have contributed in no small degree to the stability and growth of religious life in the past. Everyone recognizes that the renewal and adaptation of institutes as demanded by the circumstances of our day, cannot be effected without a revision of the canonical norms dealing with the structure and the supports of the religious life.

Since, however, "the adaptation and renewal of religious institutes depends very greatly on the training of their members,"[4] many religious institutes of men and women, desirous to work out the re-

[2] *Lumen gentium,* n. 44.
[3] *Ibid.,* n. 45.
[4] *Perfectae cantatis,* n. 18.

newal sought by the Council, have endeavored by careful research and, often enough, by taking advantage of the preparation of the special general chapter prescribed by the *motu proprio* apostolic letter, *Ecclesiae sanctae*,5 better to ascertain the conditions whereby the adaptation and renewal of the gradual training which must be given to their members to form them for the religious life, can be effected.

Thus it happened that a certain member of requests were formulated and transmitted to the Sacred Congregation for Religious and Secular Institutes, especially through the "Union of Superiors General." These requests actually looked to securing a broadening of the canonical norms presently governing religious formation, so that the institutes, conformably to the decree, *Perfectae cantatis,6* could better adapt the entire formation to the mentality of the persons of this new age and prevailing living conditions, as also to the present-day demands of the apostolate, and yet remain faithful to the nature and the special purpose of each institute.

It is evident, on the other hand, that no new clear and definitive legislation can be formulated except on the basis of experiments carried out on a sufficiently vast scale and over a sufficiently long period of time to make it possible to arrive at a judgment based on facts. This is most true since the complexity of situations, their variations according to localities and the present-day rapidity of changes do not permit those charged with the formation of the youth of today to an authentic religious life to determine *a priori* which solutions may be best.

As a result, this Sacred Congregation for Religious and Secular Institutes, after careful examination of the proposals submitted regarding the different phases of religious formation, has deemed it opportune to broaden some of the canon law now in force in order to permit these necessary experiments. Nevertheless, although the juridical norms are being somewhat cased, it is important that this not be to the detriment of those basic values which the prevailing legislation rightly undertook to protect. For "it must be seriously borne in mind that even the most desirable changes made on behalf of present-day needs will not achieve their purpose unless they are animated by a spiritual renewal."7

5l1, n. 3; reported in *Canon Law Digest,* 6, p. 285.
6Perfectae cantatis, nn. 3 ff.
^*Ibid.,* n. 2.

Therefore, in order that there be an authentic revision of the mainstays and norms of the religious life, it is necessary at the same time that there be a redefinition of the values which are essential to the religious life, since the safeguarding of these values is the aim of these norms. For this reason and in order to permit a clearer understanding of the significance of the new rulings set forth in the present instruction, the Sacred Congregation has deemed it not out of place to preface them with certain explanatory remarks.

I

SOME GUIDELINES AND PRINCIPLES

1. Not only the complexity of the situations alluded to previously, but also and, indeed, especially the growing diversity of institutes and their activities makes it less and less possible to formulate appropriate norms which are equally applicable to all institutes and to all regions. Hence the much broader norms set forth in this instruction give to individual institutes the possibility of prudently following the paths best suited to them.

It must be especially recalled that, with reference to formation and education, not even the best solutions can be absolutely identical for institutes of men and those of women. Similarly, the program and the means of formation must vary according as a religious institute is dedicated to contemplation alone or is committed to apostolic activities.

2. Questions, however, raised by the faculty granted in this present instruction to those institutes which might deem it opportune, to replace temporary vows with bonds of some other kind, emphasize the necessity of recalling the nature and importance of religious profession. Such profession, whereby the members "either by vows or by other sacred bonds which are like vows in their purpose,"* bind themselves to living the three evangelical counsels, brings about a total consecration of oneself to God, who alone is worthy of such an unrestricted gift of a human person. It is more in keeping with the nature of such a gift to find its culmination and its most significant expression in perpetual profession, whether simple or solemn. In fact, "this consecration will be the more perfect according as through firmer and more stable bonds there will be better reflected

* *Lumen gentium.* n. 44.

the image of Christ united with the Church, His spouse, by an indissoluble bond."9 Thus it is that religious profession is an act of religion and a special consecration whereby a person dedicates himself to God.

Not only according to the teaching of the Church but also by the very nature to this consecration, the vow of obedience, whereby a religious consummates the complete renunciation of himself and, along with the vows of chastity and poverty, offers to God as it were a perfect sacrifice, belongs to the essence of religious profession.10

Thus consecrated to Christ, the religious is at the same time bound to the service of the Church and, in harmony with his vocation, is led to the exercise of the perfection of that apostolic charity which must animate and impel him, whether in a life entirely given over to contemplation or in various apostolic activities. Nevertheless, it must be noted that, even though in institutes dedicated to the apostolate "the very nature of the religious life requires apostolic action and services,"11 this apostolic activity is not the primary objective of religious profession. Besides, the same apostolic works can be carried out quite well without the consecration deriving from the religious state although, for one who has taken on its obligations, this religious consecration can and must contribute to greater dedication to the apostolate.

Hence, although it is in order to renew religious life in its means and its forms of expression, it can in nowise be asserted that the very nature of religious profession must be changed or that there should be a lessening of the demands proper to it. On the contrary, the young people who are called by God to the religious state are not less desirous today than before; rather, they ardently desire to live up to this vocation in all its requirements, provided these be certain and authentic.

3. Nevertheless, in addition to the religious vocation strictly and properly so called, the Holy Spirit docs not cease to stir up in the Church, especially in recent times, numerous institutes whose members, whether bound or not by sacred bonds, undertake to live in common and to practice the evangelical counsels with the intent of devoting themselves to various apostolic or charitable activities. The Church has, as a matter of fact, sanctioned the authentic nature of these different modes of life and approved them. Still, these modes

9*Ibid.*, n. 44.

10Cf. decree, *Perfectae caritatis,* n. 14.

11*Ibid.*, n. 8.

do not constitute the religious state even though, to a certain extent, they have often been likened to religious life as far as canonical legislation is concerned. Therefore, the norms and directives contained in this instruction pertain directly to religious institutes in the true and strict sense. Other institutes, however, if they so wish, may follow them in the proper organization of their formation program and in whatever is best suited to the nature of the activities in which they engage.

4. The faculties granted by this present instruction have been suggested by a certain number of considerations based on experience which it is in order to explain briefly here.

It would appear that in our day and age genuine religious formation should proceed more by stages and be extended over a longer period of time, since it must embrace both the time of the novitiate and the years following upon the first temporary ties. In this formation cycle the novitiate must be retained inasmuch as nothing can substitute for it and it is singularly geared to the very initiation into religious life. This goal cannot be attained unless the future novice undergoes a certain amount of human and spiritual preparation which must not only be tested but, very often, also completed.

Without doubt, the novitiate should come for each candidate at the moment when, aware of God's call, he has reached the degree of human and spiritual maturity which will enable him to respond to his call with sufficient and proper responsibility and freedom. Indeed, no one should enter religious life without this decision being freely made, and without the separation from men and things which this entails being accepted. This first decision does not necessarily demand that the candidate be able to measure up immediately to all the demands of the religious and apostolic life of the institute, but he must, of course, be judged capable of reaching this goal by stages. Most of the difficulties encountered today in the formation of novices are usually due to the fact that when they were admitted to the novitiate, they had not acquired a sufficient degree of maturity.

Thus, preparation for entrance into the novitiate proves to be increasingly necessary as the world becomes less Christian in outlook. In most cases, in fact, a gradual spiritual and psychological adjustment appears to be indispensable in order to prepare the way for certain breaks with one's social milieu and even worldly habits. Young people, even in our day, who are attracted by the religious life are not looking for an easy life; indeed, their thirst for the absolute is consuming. But their life of faith is oftentimes based on

merely elementary knowledge of doctrine, whereas, contrariwise, they are better versed in knowledge of profane subjects.

Hence, it follows that all institutes, even those whose formation cycle does not prescribe a postulancy, must attach great importance to this preparation for the novitiate. In institutes having apostolic schools, colleges or seminaries, candidates for the religious life usually pass over directly to the novitiate. It will be worthwhile to reconsider, however, if this policy should be maintained, or if it is more advisable, in order to assure better preparation for a fully responsible choice of the religious life, to precede the admission to the novitiate by a fitting period of probation in order that the candidate may be helped to achieve human and emotional maturity. Moreover, while it must be recognized that problems vary' according to countries, it must, nevertheless, be affirmed that the age required for admission to the novitiate must be higher than heretofore.

5. As regards the formation to be imparted in the novitiate in institutes dedicated to the works of the apostolate, it is evident that greater attention should be paid to preparing the novices from the very' beginning and more directly, for the type of life and for the activities which they will undertake in the future, and to teaching them how to realize in their lives, in progressive stages, that cohesive unity whereby contemplation and apostolic activity are fused together, a unity which is one of the most fundamental and primary' values of these same institutes. The achievement of this unitv requires understanding of the role proper to the supernatural life and of the paths leading to a deepening of union with God in the unity of one same supernatural love for God and for men, finding expression at times in the solitude of intimate communing with the Lord and at other times in the generous giving of self to apostolic activity. Young religious must be taught that this unity, which is so earnestly' sought and toward which all life tends in order to find its full development, cannot be attained on the level of activity alone, nor even be psychologically experienced, for it resides in that divine love which is the bond of perfection and which surpasses all understanding.

The attainment of this unity, which cannot be achieved without long training in self-denial nor without persevering efforts toward purity of intention in action, demands in those institutes faithful compliance with the basic law of all spiritual life, which consists in arranging a proper balance of periods set aside for solitude with God and others devoted to various activities and to the human needs which they involve.

Consequently, in order that novices, while acquiring experience in certain activities proper to their institute, may discover the importance of this law and make it habitual, it has seemed advisable to grant to those institutes which may regard it as beneficial to themselves, the faculty of introducing into the novitiate program, formative activity and experimental periods in keeping with the activities and type of life proper to these institutes.

It must be emphasized, however, that this formative activity, which complements novitiate training, is not intended to provide the novices with the technical or professional skills required for certain apostolic activities, skills which will be given to them later on, but rather to help them, in the very midst of these activities, to discover better what are the demands of their vocation to the religious life and how to remain faithful to them.

Actually, confronted with the great diversity of apostolic activities available to them, let religious remember that, unlike secular institutes, which use the tools of this world in the performance of the works proper to them or which discharge temporal tasks, they must above all, according ζo the teaching of the Council, be in a very special manner witnesses to Christ within the Church: "Religious should carefully consider that it is through them that the Church actually exhibits Christ more clearly each day to both believersand non-believers, whether it is Christ meditating on a mountain, or announcing the kingdom of God to the crowds, or healing the sick and maimed, or converting sinners to a life of virtue, or blessing children, doing good to all, and always obeying the will of the Father who sent him."[12]

There is a diversity of gifts. For this reason, each one must stand firm in the vocation to which he has been called, especially because the mission of those called to the religious state in the Church is one thing; the mission of secular institutes is another·, the temporal and apostolic mission of the laity, since they are not especially consecrated to God in an institute is quite another.

It is certainly in line with this perspective of his vocation that whoever is called by God to embrace the religious state, must understand the value and meaning of the formation which is begun in the novitiate.

I herefore, the nature and the educational value of such activity as well as the timeliness of introducing them into the novitiate program

[12] *Lumen gentium,* n. 46.

will be evaluated altogether differently in institutes of men or of women, in institutes dedicated to contemplation or to apostolic activities.

Indeed, the effectiveness of this formation, which is imparted at the very time that greater freedom and flexibility are afforded, will also depend largely on the firmness and the prudence of the guidance afforded by the novice master and by ail those who contribute to the formation of young religious after the novitiate. Great importance must also be given to this point: that such formation should be given by a community which is generous, fervent and united, in the midst of which young religious will be enabled to learn by experience the value of mutual fraternal assistance as a force whereby they can more readily make progress and persevere in their vocation.

6. In order, then, to make provision for this same need of gradual formation, questions have arisen whether to prolong the time period prior to perpetual profession in which a candidate is bound by temporary' vows or by some other form of commitment as a testing experience and whether to substitute instead of temporary vows or toprecede them with another type of commitment.

It is indeed proper that when a religious pronunces his vows, he should have reached that degree of spiritual maturity which is necessary that the religious state to which he is committing himself in stable and certain fashion, may really be for him a means to the easier achievement of perfection and greater love, rather than be a burden too heavy to carry. Nevertheless, in certain cases the extension of temporary probation can be an aid to this maturity, while in others it can involve drawbacks which it will not be out of place to point out. The fact of remaining for too long a rime in a state of uncertainty is not always a help to maturity; this situation in some cases may encourage a tendency to instability. It should be added that in the case of non-admission to perpetual profession, the return to lay life often entails need of readjustment which will be all the more serious and difficult, the longer the time spent in temporary commitment. Superiors, therefore, must be aware of their obligation and responsibility in this field and should not put off until the last minute a decision to send a religious back to secular life since such a decision could and should have been made earlier.

7. On the other hand, no institute should decide to use the faculty granted by this instruction to replace temporary vows by some other form of commitment without having clearly considered

and weighed the reasons for and the nature of this change. For him who has heeded the call of the Lord Jesus to leave everything and follow Him, there can he no question of how important it is to respond generously and wholeheartedly to this call from the very outset of his religious life. This profession of temporary vows is completely in harmony with this sacred commitment. For, while still retaining its probationary character by the fact that it is temporary, the profession of first vows makes the young religious actually share in the consecration proper to the religious state.

Yet, perpetual vows can also be prepared for without profession of temporary vows. In fact, more frequently in our day than in the past, a certain number of young candidates when they come to the end of their novitiate, have not yet acquired the religious maturity sufficient to bind themselves immediately by religious vows, although no doubt is had regarding their generosity or the authentic nature of their vocation to the religious state. This hesitancy of theirs in pronouncing vows is frequently accompanied by a great awareness of the demands and the extreme importance of the perpetual religious profession to which they aspire and for which they wish to prepare themselves. As a consequence, it has seemed desirable in some instances that, at the end of their novitiate, the novices should be able to bind themselves by a temporary commitment different from vows and fulfill their twofold desire of giving themselves to God and the institute and more fully preparing themselves for perpetual profession.

However, whatever form such a temporary commitment may take, it is in keeping with a genuine religious vocation that it should in some way be based on the requirements of the three evangelical counsels, and, consequently, should be already completely oriented toward the one perpetual profession for which it must be, as it were, an apprenticeship and a preparation.

8. He who takes on the obligation of following our Lord in the religious life, must bear in mind our Lord's own words that "no one having put his hand to the plow and looking back, is fit for the kingdom of God" *(Lk.* 9:62). Nevertheless, the psychological and emotional difficulties encountered by some individuals as they gradually adjust themselves to the religious life, are not always resolved by the time they terminate the novitiate, although there is no real doubt that their vocation can be authentic. In many cases, by permitting absence as provided for by canon law, superiors can afford an opportunity to such members to spend time outside a

house of the novitiate with a view to being able to solve their difficulties more easily. But in other more difficult cases, this solution will not always be adequate. In such a case, superiors can recommend that such candidates return to secular life, using, if necessary, the faculty granted in n. 38 of this instruction.

9.Lastly, a religious formation based more on stages and judiciously extended over the different periods of the life of a young religious should find its culmination in a serious preparation for perpetual vows. It is, in fact, desirable that this unique and notable act whereby a religious is consecrated to God forever, should be preceded by a sufficiently long immediate preparation spent in retreat and prayer so that this preparation could be looked upon as a second novitiate.

II

SPECIAL NORMS

And so the Sacred Congregation for Religious and Secular Institutes in its desire to foster necessary and useful experiments which will conduce to the adaptation and renewal of religious formation, after having evamined these questions in its plenary meetings on 25-26 June, 1968, by virtue of a special mandate from the Sovereign Pontiff, Pope Paul VI, has taken care, by this instruction, to formulate and to publish the following norms:

10.I. Religious formation comprises two special and necessary phases: the novitiate and the probationary period which follows the novitiate and lasts for a period adapted to the nature of the institute, during which the members arc bound by temporary vows or other temporary commllments.

11.However, a preliminary period, which varies in duration and which is obligatory in certain institutes and goes by the name of postulancy, usually precedes admission to the novitiate.

11. I. This preliminary probation has as its purpose not merely to formulate a judgment on the aptitude and vocation of the candidate, but also to find out the extent of his knowledge of religious subjects and, where need be, to complete it in the degree judged necessary, and, finally, to permit a gradual transition from secular life to the life proper to the novitiate.

II. During this probationary period, it is particularly necessary to search out whether the candidate for religious life is endowed with such dements of human and emotional maturity as will afford hope that he is capable of undertaking properly the obliga-

lions of the religious state and that in the religious life and, especially, during the novitiate, he will be able to make continuous progress toward fuller maturity.

III. If in certain more difficult cases the superior feels that with the consent of the party concerned, the said party should have recourse to the services of a prudent and really qualified psychologist known for his moral principles, it is desirable that this examination, in order that it may be more effective, should take place after a rather extended period of probation so as to enable the specialist to formulate a diagnosis based on experience.

12. 1. In institutes where a postulancy is obligatory, whether by common law or in virtue of the constitutions, the general chapter, while attending to the norms of this present instruction, can so arrange the period of postulancy as to align it with a more fruitful preparation for the novitiate.

11 In other institutes it belongs to the general chapter to determine the nature and the length of this preliminary probation, which can certainly vary according to candidates. Nevertheless, if it is to be genuinely effective, this probationary period should neither be too brief nor, as a general rule, be extended beyond two years.

III. It is preferable that this probation should not take place in the novitiate house. It could even be helpful that it be spent wholly or partially outside a house of the institute.

IV. During this preliminary probation, even if it takes place outside a house of the institute, the candidates will be placed under the direction of experienced religious and there should be sufficient collaboration between these latter and the novice master that continuity of formation is assured.

13. I. Religious life begins with the novitiate. Whatever may be the special purpose of the institute, the principal purpose of the novitiate is to have the novice know the primary and essential requirements of the religious life and also, in order to strive for perfect charity, to implement the evangelical counsels of chastity, poverty and obedience of which he will, in due time, make profession, "either through vows or other sacred bonds which are like vows in their purpose."[13]

11. In those institutes in which "the very nature of the religious life requires apostolic action and services,"[14] the novices are also to

[13] *Ibid.*, n. 44.
[14] *Perfectae caritatis*, n. 8.

be gradually trained to dedicate themselves to activities in keeping with the purpose of their institute, while developing that union with Christ whence all their apostolic activity must flow? 5

14. Superiors who arc responsible for the admission of candidates to the novitiate, will take great care to accept only those giving evidence of that natural aptitude and sufficient degree of maturity which arc regarded as necessary for undertaking the religious life as lived in the institute.

15. 1. In order to be valid, the novitiate must be made in the house duly designated for this purpose.

II. It should be made in the community or group of novices united by fraternal charity, under the direction of the novice master. The living conditions as well as the kind of activities and work assigned to the novices must be such as to help and promote the formation of the novices.

III. This formation, however, conformably to the teaching of our Lord in the gospel and the demands of the particular purpose and spirituality of the institute, consists mainly in having the novices gradually learn detachment from everything not connected with the kingdom of God. They are to be taught how to practice humility, obedience, poverty; how to persevere in prayer, maintain union with God, and have a disposition ready to follow the inspirations of the Holy Spirit; and, finally, how to help one another spiritually in sincere and simple charity.

IV. The novitiate will also include study and meditation on Sacred Scripture. Furthermore, training should be given on the theory and practice of the spirituality which is necessary for developing a supernatural life united with God and for understanding the religious state. There should also be an initiation of the candidates into the liturgical life and spirituality proper to the institute.

16. I. The erection of a novitiate does not require the authorization of the Holy Sec. It belongs to the superior general, with the consent of his council and conformably to the prescriptions of the constitutions, to erect or to authorize the erection of a novitiate, to determine the program relative to the special living conditions, and to decide on its location in a given house of the institute.

II In order to make more effective provision for the necessary formation of the novices, the superior general may authorize the15

15Cf. *ibid.*

transfer of the novitiate community during certain periods to another house of the institute designated by himself.

17. In case of necessity, the superior general, with the consent of his council and after consultation with the interested provincial, can authorize the erection of several novitiates within the same province.

18. Since community life is very important in the formation of the novices, if the small number of novices is not conducive to conditions favorable to genuine community life, the superior general should, if possible, set up the novitiate in another community of the institute suitable to assisting and fostering the formation of this small group of novices.

19. In special cases and by way of exception, the superior general, with the consent of his council, is empowered to allow a candidate to make his novitiate validly in some house of the institute other than the novitiate, under the responsibility of an experienced religious acting as novice master.

20. For a reason which he regards as just, the major superior may allow first profession to be made outside the novitiate house.

21. In order to be valid, the novitiate as described above must last twelve months.

22. I. Absences from the novitiate group and house which exceed three months either continuously or at intervals, render the novitiate invalid.

II. As for absence lasting less than three months, it belongs to the major superiors, after consultation with the novice master and after taking into account the reasons for the absence, to decide in each individual case whether or not this absence should be made up. If it is to be made up, they can prescribe an extension of the novitiate and determine the length of this extension. The constitutions can also decide this point.

23. I. The general chapter, by at least a two-thirds majority, can decide as an experiment that for the completion of the novitiate formation, one or several periods given over to formative activities in line with the character of the institute may be spent away from the novitiate in the degree in which, in the judgment of the novice master and with the consent of the major superior, one or several such periods would seem to be beneficial for formation.

II. These periods of formative probation can involve one or several novices or even the novitiate community as a whole. If it is possible, the novices should not go out singly for these periods.

III. During these interspersed periods of formative activity, the novices remain under the direction of the novice master.

24. I. The total length of time spent by a novice outside the novitiate in formative activity is in addition to the twelve months which, according to n. 21, are required for the validity of the novitiate. However, the total duration of the novitiate thus expanded is not to exceed two years.

II. The novice is not to give himself to formative activity of this kind until after he has spent at least three months in the novitiate itself. This activity must be distributed in such a way that the novice will spend at least six continuous months in the novitiate and return to it at least one month prior to binding himself by first vows or other temporary bonds.

III. But if superiors deem it useful for the training of a future novice to have him spend a period in formative activity before he has lived there for the three months required at the start of the novitiate as such, this period could be regarded as a probation period but only after it has been completed would the novitiate begin.

25. I. The program of formative activity undertaken outside the novitiate can vary according to the aims of various institutes and the nature of their works. Nevertheless, they must always be planned and carried out with a view to forming the novice or, in certain cases, to arriving better at a judgment on his aptitude for the brand of religious life proper to the institute. Over and above the preparation whereby the novices are gradually trained for the apostolic works, these periods of formative activity can also be directed to enabling the novices to observe carefully real poverty and labor in actual life; to contribute to their character formation; to acquire a deeper knowledge of human nature; to strengthen their will power; to increase their sense of responsibility; and, finally, to provide the opportunity for them to strive faithfully to preserve union with God in the milieu of active life.

II. This interplay of time spans given now to action and then spent in retreat for prayer, meditation and study and thus appropnatcly influencing the formation of the novices, should spur them to remain faithful to this program through the course of their religious life. It is also desirable that such periods of retreat should be arranged at regular intervals in the years of formation preceding perpetual profession.

26. The major superior can, for a just reason, permit the first profession to be anticipated but not beyond fifteen days.

27. In institutes in which there arc different novitiates for different categories of members, the novitiate made for one category is

valid for the other unless the eonstitutions provide otherwise. The conditions regulating this kind of transfer, if a case for it occurs, should be defined by the constitutions.

28. The special nature and purpose of the novitiate as well as the close bond that ought to obtain among the novices clearly demanda certain separation of the novice community from the other members of the institute. Nevertheless, the novices may, according to the judgment of the novice master, have contact with other communities or the professed religious. It belongs to the general chapter, after consideration has been given to the nature and purpose of the religious institute and to special circumstances, to decide the extent of such contacts which may take place between the novices and the other members of the institute.

29. I. The general chapter can permit or even prescribe, during the novitiate, the pursuit of certain studies which may be useful for the better formation of the novices. Doctrinal studies, however, must be directed towards a knowledge of God combined with love and towards the promotion of a life based on faith.

II. On the other hand, during the time of novitiate prescribedin n. 21, all study programs, even of theology and philosophy, are prohibited if they are taken to obtain diplomas or to acquire the kind of training which prepares one for professional life.

30. All tasks and occupations which arc imposed on the novices must be carried out under the direction and vigilance of the novice master who may call in qualified and experienced assistants. In the discharge of such assignments, however, it is the formation of the novice and not the advantage of the institute which must besought.

31. I. In his direction of the novices, very especially during the periods of formative activity, the novice master should attend to these words so clearly enunciated by the Second Vatican Council· "Therefore, in order that members may notably respond to their vocation to follow Christ and serve Christ Himself in His members, their apostolic activity should derive from an intimate union with Him."16 "Wherefore, the members of every institute, seeking God alone and above all else, should join contemplation, whereby they arc united to Him in mind and in heart, with apostolic love whereby they strive to associate themselves with the work of redemption and to spread the kingdom of God."17

lt'lbtd.. n. 8.
l 7lhid n. 5.

II. Eor (he achievement of this purpose, he should teach the novices:

1) to seek out purity of intention and the unity of charity toward God and neighbor in everything: in the works of the apostolate and in the service of mankind, as well as in rhe periods silently spent in prayer or in study;

2) to learn how to use this world as though not using it when the apostolic works proper to their institute lead them on to becoming involved in human affairs;

3) to understand the limitations imposed upon them in their activity but not for that reason to lose courage; to work at the correct ordering of their life by convincing themselves that no one can really devote himself to God and to his brethren unless, with humility, he has conquered himself;

4) to bring about with a will which is firm, which is ready to undertake new ventures, and which is conformed to the demands made by the nature and function of an institute dedicated to apostolic works, the necessary balance on both the natural and the supernatural levels, between the periods which must be given to the apostolate and the service of mankind, and the periods, more or less lengthy, which must be given to prayer and meditative reading of the word of God either in solitude or in common;

5) to remain faithful to this program which is essential to every hie consecrated to God in such institutes and, at the same time, to have their hearts become gradually but firmly fixed in union with God and in that peace which comes from carrying out the divine will whose stirring they should learn to recognize in the duties of this state in everything which specifically calls for justice and charity.

32. I. Between superiors, novice master and the novices must be had a meeting of minds and purposes because such unity, based on genuine charity, is altogether necessary for the formation of the novices.

II. Superiors and the novice master should always present to the novices an example of evangelical simplicity, of friendship coupled with courtesy, and of respect for each one's personality so that mutual confidence may be had and the novices may become docile and open. In this way the novice master will be able to channel their generosity towards such a gift of themselves that it is a total surrender of themselves, in faith, to God, and to lead them on gradually, by word and by example, to that comprehension of the mystery of Christ crucified which is necessary for true religious obedience.

The novice master, therefore, should inspire the novices "to bring an active and responsible obedience to the tasks they discharge and the initiatives they undertake."[18]

33. If belongs to the genera! chapter to decide matters relative to the habit of novices and other candidates for the religious life.

34. I. The general chapter can, by a two-thirds majority vote, decide to introduce into the institute in place of temporary vows, bonds of some other kind, for example, a promise made to the institute.

II. Such a bond, however, is assumed at the end of the novitiate and for the duration of the probationary period extending up to perpetual profession or up to the sacred bonds which replace vows in some institutes.[19] Moreover, this kind of temporary bond may also be assumed for a shorter period of time, and, if it is, it can be frequently renewed or it can be followed by profession of temporary vows.

35. I. It is perfectly appropriate that such a temporary bond should, from the start, have reference to the practice of the three evangelical counsels with a view to having it be a genuine preparation for perpetual profession. It is good to preserve unity of formation for leading the religious life. Although this formation is completed in a definitive and permanent manner by perpetual profession, nevertheless, it must be carried on in a mature way and continue for a sufficiently long period of time.

II. Since, then, it is only when religious profession is perpetual that it attains its full meaning, it is desirable that a sufficiently long period of preparation immediately precede it and serve as a kind of second novitiate. It is up to the general chapter, however, to decide on its duration and details.

36. Whatever the nature of this temporary bond may be, the effect of such a bond is that he who thus binds himself is united to his religious institute and has taken on the obligation of observing its rule, constitutions and other norms. It belongs to the general chapter to determine the other details and consequences of this kind of bond.

37. I. After it has attentively weighed all the issues, the general chapter must establish the duration of the vows or bonds which is to intervene between the end of the novitiate and the profession of

[18] *Ibid.*, n. 14.
[19] Cf. above, n. 3.

perpetual vows. This period of probation, however, is not to be shorter than three years nor is it to exceed nine continuous years

II. The prescription remains in force that profession of perpetual vows must be made before one may receive sacred Orders.

38. I. If a member legitimately leaves his institute at the expiration of his temporary profession or bond or after dispensation from such vows or bonds, and if he requests that he be again admitted to the institute, the superior general, with the consent of his council, can receive him without having the obligation of prescribing that he again go through the novitiate.

II. The superior general must, nevertheless, impose on him a period of probation. Upon its completion, the candidate can be admitted to temporary vows or some other kind of bond for a duration which is not to be shorter than one year or shorter than the span of temporary probation which he should have completed before perpetual profession at the time when he left the religious institute. The superior can also prescribe a longer* period of probation.

III

APPLICATION OF THE SPECIAL NORMS

With reference to the application of the present norms, the following must be observed:

I. The prescriptions of common law continue in force unless they are derogated from by the norms of this instruction.

II. The faculties granted by this instruction cannot be delegated in any way.

III. The term, *superior general,* also includes the abbot who is president of a monastic congregation.

IV. If the superior general of the religious institute is absent or legitimately impeded from acting, the said faculties belong to him who, in virtue of approved constitutions, legitimately functions in his stead.

V. As for nuns dedicated exclusively to the contemplative life, special norms are to be inserted into the constitutions and submitted for approval. On the other hand, norms 22, 26 and 27 of this instruction can be applied to them.

*The word *longius* does not occur in the VIS' text but the context requires it and the word is found in the official text issued in pamphlet form by the Sacred Congregation through the Vatican Press (1969).

VI. 1) If the special general chapter prescribed by the *molli prop-no* letter, *Ecclesiae sanctae,* has already been held, it belongs to the superior general ot the religious institute and his council to decide jointly, after having diligently weighed all the circumstances, whether a general chapter should be convoked to deliberate on the faculties granted to it or whether it is preferable to defer the matter until the next general chapter.

2) However, if the superior general and his council by the same token decide that a convocation of a new general chapter is too burdensome or impossible, and yet, at the same time, there is urgency to use the said faculties given to the general chapter so as to provide for the good of the institute, the superior general and his council jointly possess the right to employ, until the next general chapter, all or some of the faculties provided that they first listen to the other major superiors and their councils and that two thirds of the latter give consent. Let it please these major superiors to consult beforehand their perpetually professed religious. On the other hand, in institutes not divided into provinces, the superior general must consult the perpetually professed and receive the assent of two thirds of them.

VII.These norms arc issued by may of experiment and Income effective from the date of promulgation of the present instruction.

Given at Rome, from the offices of the Sacred Congregation for Religious and Secular Institutes, on the feast of the Lord's Epiphany, in the year 1969.

AAS 61-103; S. C. Rel. et S. I.. Instruction, 6 Jan., 1969; the date of the issue of A/LS' in which this instruction was promulgated was 28 February, 1969. Studies and annotations in *Com. pro Relig.,* 48 (1969), 28-271 (these studies are followed by a collection of documents (9) issued prior to this instruction but relative in one or many ways to the provisions now made in this instruction); *The Way,* supplements 7 and 8 (1969); *Periodica,* 59 (1970). 21-64 (Beyer). 167 176 (Galot); *Studia Canonica,* 3 (1969), 77-105 (Lesage): 107-124 (Pennington); 269-275, 319-323 (Dufault).

Religious Formation Instruction Extended to Missionary Institutes

(S. C. Gent. Evang., 18 Mar., 1969) Private.

The following brief letter was sent out by the prefect of the S. C. for the Evangelization of Nations.

I hasten to inform you that this Sacred Dicastery has made its own

(he recent instruction, *Renovationis causam,*[1] of the Sacred Congregation for Religious and Secular institutes.

(Private); S. C. Gent. Evang., Letter, 18 Mar., 1969; reported in Cow. *pro Hdig.,* 51 (1970), 83.

CANON 541

Retreat: Duration of: faculty regarding. *See* c. 66; S. C. Rel. et S. L, 4 June, 1970.n. 5.

CANON 542

Transfer from Oriental to Latin Rite (S. C. Eccl. Or., 15 Oct., 1970)
Private.

The following documentl was received by the provincial of a religious community of men for a man applying for admission into the community. Although the community is a clerical exempt institute, the authorization from the Sacred Congregation was sent through the chancery of the diocese where the provincial residence is located.

Word has been received from I lis Excellency, the /Xpostolic Delegate, that the Sacred Congregation for the Oriental Church in a rescript No. 5970/70, dated 15 October, 1970, has granted a transfer to the Latin Rite to N. N.

You arc delegated to execute the conditions of the rescript as contained in the enclosed copy of the original rescript. The tax for the rescript, $10.00, is to be paid by check, made payable to the *Apostolic Delegation,* and is to be sent to me for final forwarding. The enclosed copy of the rescript is to be given to the petitioner.

Concerning this transfer the following points arc hereby called to your attention.·

1. The transfer will take effect when the petitioner appears before you and, in the presence of two witnesses, declares his intention of

[1] Reported above under this same canon.

'Relative to this document and its provisions, see *Canon law Digest,* 5. p. 8, canons 10-1 5.

assuming the Latin Rite A written statement of this declaration signed by the petitioner, by the two witnesses and by yourself is to be sent to this office. 7 7

2. I am returning the certificate of Baptism of the petitioner. You are to forward a notification of this transfer to the church of Baptism. You should ask the pastor of the church of Baptism to give you written notice that he has made the proper notation in his register of Baptisms. Include date and Prot. N. of rescript in letter to pastor.

3.The original rescript instructs you to make a notation of this transfer in the register *of* Baptisms of your parish.

Written assurance that each of the above conditions has been fulfilled is to be sent to this office within two months.

Note·. Children under the age of puberty are transferred automatically to the new rite of the father or, in the case of mixed marriages, to the rite of the Catholic mother; each of their names must be expressly entered in the register of Baptisms of the parish of the rite "ad quern" together with the name of the father or, in the case of mixed marriages, of the mother.

(Private); S. C. Eccl. Or., induit, 15 Oct., 1970, Prot. N. 5970/70.

CANON 544

Testimonial Letters: Qualified suspension of this requirement, *See* c. 66; S. C. Rd. et S. I., 4 June, 1970, n. 4. ' T'

CANON 545

Testimonial Letters: Qualified suspension of this requirement. *See c.* 66; S. C. Rel. et S. I., 4 June, 1970, n. 4.

CANON 552

Canonical Examinations: Number Reduced (S. C. Rel. et S. !.. 17 Feb., 1970) Private.

The following document was addressed to the president of the Antilles Episcopal Conference.

This Sacred Congregation for Religious and for Secular Institutes has received through the Sacred Congregation "de Propaganda Fide," your request that the canonical examinations of religious women required by canon 552, §2, be reduced to one for those religious of Pontifical Right who live within the area of the Antilles Episcopal Conference.

This dispensation is hereby granted, by way *of* exception, to be used at the discretion of the local Ordinary' and in agreement with the Major Superior of the religious institute, until such time as further permanent dispositions may be forthcoming from the Holy See.[1]

(Private); S. C. Rel. et S. I., induit, 17 Feb., 1970. Prot. N. Sp. R. 1; copy kindly sent by the chancellor of the Kingston-in-Jamaica Archdiocese.

Canonical Examination: Obligation regarding suspended. *See c.* 66; S. C. Rel. et S. I.. 4 June, 1970, n. 7.

CANON 553

Experimentation With Canonical Year of Novitiate (U S Apost Del., 2 Mar., 1968) Private.

The following letter was sent to the president of the Conference of Major Superiors of Religious Women in the United States.

Recently a community of religious women petitioned the Sacred Congregation for Religious for permission to experiment with the canonical novitiate. The reply I have received from the Sacred Congregation is of general interest.

I he serious question of the form of the novitiate and possible experimentation with it is the object of a thorough study now being conducted by' a special Commission of General Superiors and Superioresses as well as of consul tors of the Sacred Congregation for Religious who have been requested to express their opinion about it.

The problem is one of general legislation so that it is not possible

'Sec faculty 7 given to all religious institutes in the decree of S C. Rel. et S. I., 4 June. 1970, reported under canon 66 in this volume of *Canon law Dtgest*

to allow experiments which would compromise the structure of an adequate preparation for the religious life.

However, in view of the changed conditions of these times and the particular situations existing in some places, the Sacred Congregation has already proposed to the Holy Father the opportuneness of suspending the novitiate after six months in order to undertake an active apostolate, after which period there will be a second interval of six months in order to complete the year. The two periods joined together would thus constitute the canonical year. Where the novitiate has a duration of two years, it has been proposed that there be successive periods of three or four months of novitiate, computed in the traditional manner, alternated with three or four months of active apostolate, with the obligation of having twelve months of the canonical novitiate during the two-year period.

The Holy Father has graciously deigned to authorize the experiment in the form outlined above, and it is only in this sense that the Sacred Congregation can authorize it, leaving it to the individual communities in their general chapters to choose the method that would be appropriate for them from among those approved by the Holy Father.

After the Commission mentioned above has presented its conclusions, these will be duly examined and then submitted to His Holiness for eventual approval.

From this it will be apparent that the Sacred Congregation has proceeded and continues to proceed with sympathetic understanding for the needs of all religious institutes.

The Holy Sec has also pointed out that it cannot accept certain unauthorized experiments which break the canonical period of time assigned to the novitiate and which would perhaps invalidate it. In the latter case, it will be necessary to refer to the Sacred Congregation to ascertain what can be done by way of a remedy for such a situation.

(Private); U. S. Apost. Del., Letter, 2 Mar., 1968, Prot. N. 480/68.

CANON 555

Absence During Novitiate for Purpose of Formation (S. C. Rel., 29 Dec., 1962) Private.

Petition. The Superior General of the Society of Jesus, prostrate at the feet of Your Holiness, humbly sets forth the following:

CANON 555

Among the means whereby the sainted founder of our Society wished the novices to be tested and formed before admission to first vows, the "experiments" or probations have a special importance. Some of these must be performed outside the novitiate house and, as a result, are usually called "exterior" experiments. These are of various kinds, e.g., service to the sick in hospitals, pilgrimage without money and thus requiring begging from door to door, instruction of children in catechism, and other similar activities. The novice is thus occupied outside the house for a complete month, left as it were, on his own responsibility, and constantly practicing works of humility and charity, with the intended purpose that, after the experiment has been completed, strong proof will be had of his interior nature and character, his correctness of judgment, his firmness of will, and the solidity and strength of his virtue. Furthermore, experience proves how greatly these kinds of experiment contribute to making a just evaluation of the fitness of the candidates as well as to strengthening and maturing the character of those who have succeeded well in them.

However, since code law (canons 555 and 556) prescribe — and, indeed, for validity — that a complete and continuous canonical year must be passed in the novitiate house, the superiors of the Society in 1917, adhering to a strict interpretation, stipulated that these experiments be made during the second year of novitiate so that the canonical year would not suffer an interruption. On the other hand, proof is had that the experiments performed in this program do not altogether meet the desired ends.

Therefore, it is desirable that the above-mentioned "exterior" experiments be able to be made also during the first year of the novitiate at which time hope can be had that greater and better benefits will derive from them. It is not to be feared that the young men who perform the experiments will be excessively distracted from the spirit of the novitiate because they well know that they are exercised in matters which from the outset are ordered as an integral and essential part of the probation in the Society.

Moved by these reasons, the petitioner humbly asks for the whole Society of Jesus a dispensation from the prescriptions of canons 555, §1, 3° and 556, §§1 and 2 insofar as such dispensation is necessary so that the aforesaid experiments may be performed during the first, that is, the canonical year of the novitiate without the novitiate incurring any detriment as regards either its liceity or its validity.

Reply. In virtue of faculties conceded by our Holy Father, the Sacred Congregation for Religious, after having attended to the special reasons set forth and having weighed them well, graciously grants the favor as requested but with the observance of the other requirements.

All things to the contrary notwithstanding.

Given at Rome, the 29th day of December, 1962.

(Private); S. C. Rel., Reply, 29 Dec., 1962; reported in *Com. pro Relig.,* 48 (1969), 319.

CANON 556

Canonical Year of Novitiate: Absence for a month. *See* c. 555; S. C. Rel., 29 Dec., 1962.

CANON 559

Director of Novices: Age requirement. *See* c. 66; S. C. Rel. et S. 1., 4 June, 1970, n. 3.

CANON 569

Will of Novice: Drawing up of, can be transferred to just before perpetual vows. *See* c. 66; S. C. Rel. et S. I., 4 June, 1970, n. 6.

CANON 571

Retreat: Duration of: faculty regarding. *See c.* 66; S. C. Rel. et S. I., 4 June, 1970, n. 5.

CANON 572

Religious Profession at Point of Death Not Allowed to Postulants (S. C. Rel., 5 April, 1925) Private.

Following are questions regarding the decree, *lam inde,* of 30 December, 1922,[1] about religious profession by novices at the point of death.

I. Is the decree of 30 December, 1922, extended to postulants, that is, to those who have begun the postulancy which is canonically prescribed to be made before the novitiate?

II. Do those enjoy the same induit who make a postulancy which is not prescribed by common law but is prescribed by a special provision of their constitutions?

Reply. In the general session on 28 March, 1925, after the report by the Cardinal Prefect, the Fathers replied to the proposed questions:

To I: *bi the negative;* the word "probationer" is to be substituted for "postulant" in the section.

To II: *Provided for in the first response.*

This decision was approved by His Holiness in the audience of 5 April, 1925.

(Private); S. C. Rel., Reply, 5 April, 1925; reported in article (Ravasi) in *Vita Religiosa,* 1 (1965), no. 2, 24-32 at p. 30.

CANON 575

Deliberative vote: for solemn profession. *See* c. 633; S. C. Rel. et S. 1. 3 May, 1971.

CANON 576

New Rite of Religious Profession Promulgated (S. C. Cult. Div., 2 Feb., 1970) AAS 62-553.

The following decree was issued by the S. C. for Divine Worship.

The rite of profession whereby religious embracing the evangelical counsels vow themselves to God, has been revised according to the intent of the Constitution on the Sacred Liturgy. The life consecrated to God by the bonds of religion has always been held in great honor by the Church which right from the first centuries has adorned religious profession with sacred rites. The Fathers of Vatican Council II ordered in their constitution on the sacred liturgy that there should be drawn up a rite of religious profession and renewal of vows which should conduce to a greater unity, sobriety and dignity and should be used, without prejudice to particular law,

by those who make their profession or renovation of vows at Mass (art. 80).'

In obedience to this precept, the Commission for the Implementation of the Constitution on the Sacred Liturgy prepared this ritual of religious profession which the Supreme Pontiff, Paul VI, approved by his apostolic authority. The Commission inserted it into the *Roman Ritual* and ordered that it be published. Wherefore, this Sacred Congregation for Divine Worship by special mandate of the said Supreme Pontiff hereby promulgates it.

Episcopal conferences — if the case warrants it, through the mixed commissions of several nations of the same language — after having conferred with the assemblies of superiors who regulate and arrange the undertakings of religious in the individual nations, should take care that popular versions of this rite be diligently made.

Since, on the other hand, the rite of profession must express the nature and spirit of each religious family, religious institutes should so adapt this ritual that it clearly shows forth its character and should send the adaptation as soon as possible to this Sacred Congregation for approval.

All things to contrary notwithstanding.

From the offices of the Sacred Congregation for Divine Worship, the 2nd day of February, 1970, the feast of the Presentation of the Lord.

AAS 62-553; S. C. Cult. Div., decree, 2 Feb., 1970; the original form of this decree had the Prut. N. 200/70.

Note·. The following norms were not published in *AAS* but are appended to the above decree as it appears in *Commentarium pro Religiosis,* 51 (1970),186-189, and in *Notitiae,* 6 (1970),114-117.

I. The Nature and Force of Religious Profession

1. Many of the faithful arc called by God, and by the sacred bonds of religion are consecrated to the service of the Lord and to the benefit of mankind and strive to follow Christ Jesus more closely by observing the evangelical counsels.[1] In this way the grace of baptism bears richer fruit in them.[2]

[1] Reported in *Canon Lau Digest,* 6, p. 54.

[2] Cf. Vat. Coun. II, *Dog. Const, on the Church,* n. 43; *Deer, on Rel. Life,* n. 1.

[2] Cf. Vat. Coun. II, *Dog. Const on the Church,* n. 43.

2. Holy Mother the Church has always held in great honor the religious life which, under the leadership of the Holy Spirit, has taken on various forms in the course of the centuries;[3] she has raised it to the dignity of a canonical state; she has approved very many religious families which she protects with prudent laws.[4]

The Church herself receives the vows of those making profession; by her public prayer she beseeches help and grace for them from God; she commends them to God and imparts to them a spiritual blessing, associating their oblation to the Eucharistic sacrifice.[5]

II. The Rites Attending the Grades of Religious Life

3. The grades through which religious dedicate themselves to God and to the Church are: novitiate, first profession or other sacred bonds, perpetual profession. In accord with the constitutions of the institutes, there is in addition to these grades a renovation of vows.

4. The novitiate, whereby religious life is begun,[6] is a time of experiment both for the novice and for his religious family. It is preferable that at the beginning of the novitiate a rite be performed whereby the grace of God is besought that its special purpose be attained. This rite, of its very nature, ought to be moderate and untrammeled and reserved for this group of members. It ought, however, to take place outside of Mass.

5. Then follows the first profession whereby the novice promises that he will follow the evangelical counsels by temporary vows made in the presence of God and of the Church. The profession of temporary vows can be made within a Mass but without any special solemnity. The rite of first profession provides for the handing over of the habit and the other insignia of religious life in accordance with the very ancient custom of giving the habit when the time of probation has been completed; the habit is the sign of consecration.[7]

Wherever a promise or some other kind of bond of profession takes the place of the vows," the rite is appropriately performed in a

3Cf. Vat. Coun. 11, *Dog. Const, on the Church,* n. *43, Deer. on Rel. Life,* n. 1.

4Cf. Vat. Coun. II, Dog. *Const, on the Church,* n. 45, *Deer, on Rel. Life,* n. I.

sCf. Vat. Coun. II, *Dog. Const, on the Church,* n. 45.

*'Cf. S. C. Rd. et S. I-, instr. *Renovationis causam, 6* Jan. 1969, n. 13; reported in this volume under canon 538.

7Cf. Vat. Coun. II. *Deer, on Rel. Life,* n. 17.

®Cf. Vat. Coun. II, *Dog. Const on the Church,* n. 44; S. C. Rel. et S. I.. *instr. at.,* nn. 2, 7.

suitable liturgical action, for example, in the liturgy of the word, or at an hour of the Divine Office – Lauds or Vespers especially – or, if circumstances so require, in the Eucharistic sacrifice itself.

6. When the period of time set by the law has been completed, the perpetual profession is made. By it the religious hands himself over forever to the service of God and of the Church. In perpetual profession Christ is represented as joined by an indissoluble bond with His spouse, the Church.[9]

The rite of perpetual profession is very fittingly carried out within Mass with appropriate solemnity and an assemblage of fellow religious and of the people.[10] These are its parts:

(a) The roll-call or presentation of the professed; this, however, as judged opportune can be omitted.

(b) The homily or address in which the people and those to be professed are reminded of the benefit of religious life.

(c) The interrogations in which the celebrant or the superior of the professed inquire whether they arc prepared to vow themselves to God and to pursue perfect charity in accordance with the rule of their religious family.

(if) The supplications of the litany whereby prayer is directed to God the Father and the intercession of the most holy Virgin Mary and all the saints is sought.

(e) The act of profession which is made in the presence of the Church, the legitimate superior of the institute, the witnesses and the people.

(/) The solemn blessing or consecration of the professed whereby Mother Church confirms the religious profession by a liturgical consecration, entreating the heavenly Father to pour out the gifts of the Holy Spirit abundantly upon the professed.

(g) The handing over of the insignia of profession, if the custom of the religiouj family so requires, by which the perpetual dedication to God is externally manifested.

7. In some religious families, at stated times, vows are renewed in accordance with the constitutions.

This renovation may take place within a Mass but it should be without solemnity, especially if the vows are renewed frequently or annually.

The liturgical rite pertains to that renovation of vows only which has the force of law. Nevertheless, in some religious families the

[9] Cf. Vat. Court. II, *Dog. Const. on the Church,* n. 44.

[10] Cf. Vat. Coun. 11, *Const, on Sac. Lit.,* n. 80.

custom has grown up of renewing vows for the sake of devotion. This act can be performed in many ways; however, the custom of publicly doing this within a Mass is not to be commended since it is an act of private devotion. If, however, it seems advisable to renew vows publicly on special anniversary days, e.g., the 25th or the 1st anniversary in religious life, the rite of renovation of vows may be used with the necessary adaptations being made.

8. Since these rites differ from one another in character, each of them requires its own celebration; as a result, the piling up of rites in one and the same liturgical action must by all means be avoided.

III. The Mass to be Used in the Rite of Religious Profession

9. As often as religious profession, especially the perpetual profession, is celebrated within a Mass, it is appropriate to say one of the ritual Masses "on the day of profession of religious," which are found in the Roman missal or in lawfully approved Mass propers. On the other hand, if a solemnity occurs or a Sunday in the season of Advent, Lent or Easter, the Mass of the day is said but with the observance of the proper formulae in the eucharistie prayer and in the final blessing in keeping with the occasion.

10. Since, however, the liturgy of the word, adapted to the celebration of profession, has great power for illustrating the nature and tasks of religious life, when the Mass "on the day of profession of religious" is prohibited, it is permissible to take one reading from those which are given in the special lectionary; excepted, however, arc the holy week triduum, the solemnities of Christmas, Epiphany, Ascension, Pentecost and Corpus Christi, and other solemnities which are holy days of obligation.

11. For the celebration of the ritual Mass "on the day of profession of religious" white sacred vestments are used.

IV. The Adaptations Which Each Institute Can Make

12. I he norms foi the performance of the rite of initiation (nn. 1-13) arc not obligatory unless the contrary is openly stated (e.g., the rite must always be gone through outside of Mass, n. 2) or the matter pertains to the inner nature of the rite (e.g., the norm that the rite should be simple and untrammcled, n. 3).

13. All those who make or renew their religious profession within a Mass ought to use the rites of temporary profession, renovation of vows, unless they are in possession of a particular law? [1]

14. On the other hand, it is preferable that religious families appropriately adapt the rite so that the nature and spirit of each institute may be better brought out and represented. To achieve this purpose, the individual institutes arc given the faculty to adapt the rite but the action must be reviewed by the Apostolic See.

In the adaptation of the rite of profession, the following should be particularly noted:

(«) The rite should take place immediately after the gospel.

(b) The arrangement of the parts should by no means be disturbed. However, there is no objection to omitting certain parts or to substituting something of like nature in their place.

(c) The liturgical distinction between perpetual profession and temporary profession or renewal of profession should be accurately observed and no special part of one is to be introduced into another part.

(d) As is said in its own place, there arc many changeable formulae of the rite of profession; moreover, they ought to be changed so that the nature and spirit of the institute may shine forth from them. Since the *Ronian Ritual* exhibits several formulae which may be used at will, particular rituals may add other formulae of the same kind.

15. Since profession "before the most Blessed Sacrament" before Communion as such is less in harmony with a correct liturgical sense, this rite is hereafter prohibited from being taken up by new religious families. On the other hand, institutes which by particular law employ that rite, are encouraged to desist from using it.

Likewise, all religious who follow a special rite, are advised to set aside those things which manifestly contradict the principles of the restored liturgy, to adhere to the purer forms of the liturgy and to follow them. By this procedure there will be obtained that moderateness as well as that dignity and greater unity which are so highly recommended in this matter? [2]

Annotations in *Notitiae, 6* (1970),! 18-126 (Calabuig). *Vida Rel.,* 28 (1970), 207-213 (Bugnim).

[1] Cf. Vat Coun. II. *Const on Sac. Lit.,* n. 80.

[2] Cf. *ibid.,* loc. cit.

New Rite of Religious Profession: Vernacular (S. C. Cult. Div., 15 July, 1970) Private.

The following letter was addressed to the presidents of the national liturgical commissions.

On the 2nd of February, 1970, this Sacred Congregation for Divine Worship, on special mandate of the Supreme Pontiff, Pope Paul VI, promulgated, as all know, the typical edition of the *Rite of Religious Profession.*[1]

The *Hite of Profession* was drawn up in obedience to the precept of Vatican Council II (cf. const. *Sacrosanctum Concilium,* n. 80),[2] and has been inserted into the *Roman Ritual revised by decree of the Second Vatican Ecumenical Council and promulgated by the authority oj Pope Paul VI,* and has been lawfully and deservedly included among the books of the Roman liturgy. As a result, it belongs to the episcopal conferences to see to it that the *Rite of Religious Profession* be translated into the vernacular as is recalled in the decree of promulgation: "Episcopal Conferences — if the case warrants it, through the mixed commissions of several nations of the same language - after having conferred with the assemblies of superiors who regulate and arrange the undertakings of religious in the individual nations, should take care that popular versions of this rite be diligently made" (deer. 2.11.1970, Prot. N. 200/70).

It does not escape me in how many and in how great works the liturgical commissions arc engaged, especially since the new Roman missal was finally published. Nevertheless, since very many religious institutes arc waiting until popular translations have been made so that they may adapt the *Rite of Religious Profession* to themselves, I dare to ask you to have the *Rite* accurately translated into the vernacular as soon as possible.

On the other hand, I want you to know that this Sacred Congregation, out of due respect to the episcopal conferences and their experts, has not and will not in the future approve any translation, not even on "an experimental basis," which has been totally or partially prepared by private design.

At this time the episcopal conferences arc burdened with a great mass of jobs as I said above. Still, the task of translating the *Rite of Religious Profession* is being carried out a little more expeditiously

[1] Reported above under this same canon.

[2] Reported in *Canon law Digest,* 6, p. 54.

a complete, faithful and accurate translation is sought from the episcopal conferences only; the individual institutes will adapt the *Rite* to themselves in accordance with circumstances.

It will please me if you will write me something on the progress of the work; and I hope the text will arrive shortly at this Sacred Congregation for confirmation.

(Private); S. C. Cult. Div., letter, 15 July, 1970, Prot. N. 2355/70; reported in *Notitiae, 6* (1970),317-318.

New Rite of Religious Profession: Adaptations (S. C. Cult. Div., 15 July, 1970) Private.

The following letter and its appended guidelines were addressed to all superiors general of both men and women religious.

On the 2nd of February, 1970, this S. Congregation for Divine Worship, on orders of Pope Paul VI, promulgated the typical edition of the *Rite of Religious Profession.*[2]

As you know, this *Rite of Profession* is a response to a prescription of Vatican Counicl II: "A rite of religious profession and renovation of vows shall be drawn up, which should conduce to a greater unity, sobriety and dignity, and which shall be used, in the absence of particular law to the contrary, by those who make their profession or renovation of vows at Mass." (const. *Sacrosanctum Concilium,* n. 80)?

For its part, the Holy See, by inserting this *Rite* into the official liturgical book, the *Ritual,* has the intention of providing a common rite for all those make or wish to make profession during Mass but this is always without prejudice to contrary particular law.

The *Rite of Profession* has been composed in a manner to combine harmoniously an indispensable unity of structure with a broad possibility of adaptation to the diverse situations of the different institutes. These characteristics, joined to the fact that the *Rite of Profession* is the fruit of a prolonged collaboration between the Commission, the S. Congregation for Religious, and numerous religious families (to whom the project of the *Rite* was submitted in 1968), give hope that this *Rite* will be an effective and efficacious instru-

1 Reported above under this same canon.

2*Canon Law Digest, 6,* p. 54.

ment to bring about this "greater unity" desired by the Council in this matter.

Certain religious families have already sent in their revised rite of profession and have opportunely adapted it in line with the new *Rite of Profession.* Nevertheless, whether it be on the part of the institutes which presented the rite or on the part of the experts of this S. Congregation, some questions on the principles and the method followed in the work of adaptation have become manifest. Consequently, it seems opportune to furnish some guidelines for facilitating this work.

This S. Congregation is confident that your institute will devote attentive care to the adaptation of the *Rite of Profession* in a manner which will respect the structural unity of the Roman rite and, as is just, shed light on the spirituality proper to your religious family.

By mandate of and in the name of His Eminence, Benno Cardinal Gut, our prefect, we send you all the following guidelines.

GUIDELINES FOR THE ADAPTATION OF THE *RITE OF PROFESSION*

The main guidelines for the adaptation of the *Rite of Religious Profession* have been set down in the *Introduction* of this *Rite* (chap. IV: The Adaptations Which Each Institute Can Make, nn. 12-15)?

These guidelines, which have normative force, are sufficiently clear and do not need further explanation other than some complementary notes.

1. From the methodological point of view, it is imponant to note that the operation ought to consist in an adaptation of the *Rite of Religious Profession* in a manner which adequately expresses the spirituality proper to the institute. This operation, then, ought to be carried out by departing from the *Rite of Profession* and inserting in the appropriate place the basic characteristics of the institute.

As a result, it would be a mistake to take as a basis of operation the ancient ceremonials and to insert into them here and there some elements of the *Rite of Profession.*

3What is here referred to as the *Introduction,* actually followed the decree of promulgation as it was published in both *Commentarium pro Religiosis* and *Notitiae.* This *Introduction* is reported above at the end of the decree of promulgation of the *Rite of Religious Profession.*

2. Those institutes which by reason of their diffusion or for any other reason, wish to make their adaptation on the Latin typical edition may, of course, make the adaptation at once in Latin.

On the contrary, those institutes which wish to make their adaptation directly in a modern language must make it on the *official* translations of the *Rite of Profession.* To the episcopal conferences belongs the right and the duty[1] to prepare, with the collaboration of the confederations of religious, such official translations; the Congregation for Divine Worship must give both confirmation and approbation of these translations (cf. decree of the S. C. for Divine Worship, 2.II.70).[4]

3. Each institute, before inserting its own proper basic characteristics into the *Rite of Profession,* ought to work on a critical review of those characteristics, that is to say, to verify whether they are in harmony with the general principles of the liturgical renewal (const. *Sacrosanctum Concilium),* of religious life (const. *Lumen gentium,* deer. *Perfectae caritatis),* of relations with the contemporary world (const. *Gaudium et spes).* In fact, certain concepts which reappear often in the ceremonials are difficult to reconcile with the theology of the religious life as set forth in the great documents of the Council.[5]

4. The places best adapted for inserting the characteristic elements into the *Rite of Profession* arc numerous and are generally noted by the formula: "in these or similar words," "in this or similar prayer," etc. When substituting a formula of the *Rite* with one's own formula, it is desirable that it belong to the same literary genre. Above all it is desirable that in the books of prayer respect be shown to the style and the regulations proper to the Roman book of prayer as well as to the doctrinal content.

5. The formulae, "in these or similar words," "in this or in another way," aim both to facilitate the work of adaptation on the part of each institute and to foster an appropriate diversity. This is why in many cases, above all in those where the texts express personal sentiments, it will be advantageous for the institutes to preserve such expressions.

Reported above under this same canon.

[5] This "critical review must be understood in the sense that the individual communities work it out in accordance with the purpose, spirit and tradition proper to the institute since the institutes arc diverse inasmuch as there is question of a religious family of apostolic life, or of contemplative life, or of both apostolic and contemplative life conjoined.

6. In every case, the adaptation ought not to impoverish the *Rite of Profession.* As a result:

(a) in what concerns the biblical texts, one ought not retain two or three while radically eliminating all the rest. Each institute should consider rather whether this is a case for adding other texts which shed light on their own proper spirituality or activity (missionary, educational, health-care, etc.).

(b) likewise, when the *Rite of Profession* offers a choice of two prayers, for example, for the solemn prayer of consecration, the choice ought to be realized in the terms of the concrete celebration and not in the terms of a choice made once for all, with the definite elimination of one of the two prayers. In this case, as in similar cases, one should rather have in view the general principle: "Since the *Roman Ritual* exhibits several formulae which may be used at will, particular rituals may add other formulae of the same kind" *(Introduction,* n. 14,if).

7. From the liturgical point of view, from the fact that the habit is taken *during Mass* (cf. *Rite,* n. 31 and n. 137) with the intention that it become the sign expressive of the religious state, the habit becomes sacred and has no need of a special blessing.

Nevertheless, if one wishes to bless the habit, this will be done *outside of Mass* as the *Rite* elsewhere suggests for religious women (cf. *Rite,* nn. 15-16).

8. Although it may be made up of different pieces, the habit ought to be considered as *a unit.* Consequently, it is preferable to give it with only one gesture and with only one formula.

As a result, the practice of presenting each piece with a formula of its own ought to be discountenanced.

With reference to the formula for delivering the habit, one ought to avoid certain expressions which recur often in the ceremonials and which today seem antiquated, excessive, or which make use of holy scripture in an incorrect manner.

9. In the litany, the institutes will guard against introducing an excessive number of the saints of their institute or grouping them in the first place. The insertion of saints ought to be limited to those who are most representative and put into their respective place in accord with the arrangement of the Litany of the Saints.

10. It is necessary that each institute present to this S. Congregation for Divine Worship (Piazza Pio XII 10, Rome) its work of adaptation of the *Rite of Profession:*

(a) in a complete and organic manner, that is to say, containing all the rites from the entry into the novitiate to perpetual profession.

(b) in full, thus avoiding too many cross-references.

(c) since the stages religious go through from novitiate to perpetual profession vary from one institute to another, it is clear that in adapting the *Rite of Profession* to their own "program" of formation, they will not always be able to preserve the numerical sequence of the *Rite.* For example, several institutes prefer to place the rite of promise, which is found in the appendix of the *Rite,* immediately after the rite of initiation. The important thing is that the ensemble should be organic and coherent. For the convenience of the reviewers, we would like to have a reference to the enumeration in the *Rite,* in the margin or at the bottom of the page, adopting, for example, the following abbreviations:

Pr. = Introduction
OP I = Rite of Profession, part one
OP II =Rite of Profession, part two
RP = Rite of Promise
AP = Appendix

followed by the arabic number of the enumeration.

(</) in four copies, suitably presented.

(e) with a report which gives the reasons for the adaptations and for possible changes.

(Private); S. C. Cult. Div., letter and guidelines, 15 July, 1970, Prot. N. 2354/70; reported in *Notitiae, 6* (1970),318-322.

CANON 578

Passive Voice for Religious in Temporary Vows or Promises (S. C. Rel. et S. 1., 17 Jan., 1970) Private.

The following reply was given to a question proposed by a particular congregation of Sisters.

This Sacred Congregation does not believe that granting passive voice to Sisters of temporary vows or promises would be a prudent experiment because of their lack of maturity, among other reasons.

One of the principal aims of the new instruction, *Renovationis causam,'* is to afford the possibility of bringing your religious to the desired maturity for perpetual profession. It is all too true that the emotional and psychological maturity for a life of commitment to the religious life comes much later today than formerly.

(Private); S. C. Rd. et S. I., reply, 17 Jan., 1970; reported in *RfR,* 31 (1972),497.

CANON 580

Experimental Contrary Provision: *See* c. 593; S. C. Rd. et S. 1-, 14 Jan., 1969.

CANON 587

Secular Studies; Residence Requirements (S. C. Rel. et S. I., 2 July, 1971) Private.

The following was addressed to the President of the Italian Conference of Major Superiors.

The Sacred Congregation for Catholic Education has sent us a copy of its circular of the 22nd of last Aprill which was addressed to the Ordinaries of the dioceses of Italy. It reports the abuses of enrolment of seminarians in the faculties of civil universities during the period of the six years of philosophy and theology', and abuses of residence of students, seminarians or priests of the secular clergy', enrolled in the pontifical schools in Rome. The issues pertain directly to diocesan seminarians and priests but can just as well affect religious in relation to the problems which are common to them.

For this reason I am allowing myself to inclose a copy of the aforesaid circular for its timely information and orientation.

(Private); S. C. Rel. et S. I., letter, 2 July, 1971; reported in *Vtda Reltgiosa,* 31 (1971),370.

Basic Program for Priestly Formation: General norms are applicable to programs in religious institutes with due adaptation. S. C. Inst. Cath., 6 Jan., 1970, sect. I, n. 2 (AAS 62-321). *See* c. 1365 for references.

'Reported in this volume under canon 538

1 Reported below under canon 1 365.

CANON 593

Experimental Provisions Contrary to Law (S. C. Rel. et S. I., 14 Jan., 1969) Private.

Petition. The Fathers Capitular of the General Chapter of the Order of Preachers humbly request the faculty to make some innovations contrary to common law in accord with the decree, *Perfectae caritatis:*

1.can. 580. §3: that a brother professed of simple vows may be able to alter the cession and disposition of the administration of his patrimony not indeed of his own free will but with the permission of his provincial, provided that the alteration, at least as regards a notable part of his property, is not made in favor of the Order.

2.n. 14 of the papal rescript:[1] that simple vows can cease by dispensation by the provincial with his council.

3.can. 2385: that a religious who was an apostate from religious life, if he returns, may enjoy active voice after a period of five years, unless the provincial with his council, in view of circumstances, shall have prolonged the time.

Reply. In virtue of faculties granted by the Supreme Pontiff, the Sacred Congregation for Religious and Secular Institutes, after having attended to the recitals:

To I: grants the favor as requested until the next general chapter and w'ith observance of the clauses in canon 580, §3.

To 2: says it is not expedient.

To 3: says that recourse should be had in each case.

All things to the contrary notwithstanding.

Given at Rome, the 14th day of January, 1969.

(Private); S. C. Rel. et S. I., Reply, 14 Jan., 1969, Prot. N. 5509/68; reported in *Com. pro Rehg.,* 51 (1970), 79.

Adaptation: Good and bad. *See* e. 487: Paul VI, 29 June, 1971, sect. V; 19 °ct.,i972. ώ**

Experimentation: Faculties and suspensions to enable. *See* c. 66; S. C. Rel.ct S. !.. 4 June. 1970. fl -

[1] Sec *Canon Law Digest,* 6, p. 150.

CANON 594

Franciscan Poverty (S. C. Rel. et S. I., 2 Feb., 1970) Private.

The following declaration was made regarding Franciscan poverty.

In the letters of 15 June and 17 December, 1969, which were sent here, the petitions of the Order of Friars Minor were made known, namely:

"1. that the previous papal declarations on the Rule of St. Francis, insofar as they have not been incorporated into the constitutions of the Friars Minor, be declared to the totally abrogated.

"2. that the elements of the Rule itself, as regards the preceptive force only, be said to obtain only to the extent that they are expressly reported and defined in the aforesaid constitutions.

"3. that the General Chapter be acknowledged to have the faculty to interpret the said constitutions together with the Rule and co accommodate them in a timely way to the new circumstances of the times, but always under the supreme authority of the Apostolic See, which, in the instance, is exercised particularly in the approbation of the constitutions."

Furthermore, it is requested that the desires of the Special General Chapter relative to Franciscan poverty be approved.

"Since today money is a necessary medium of exchange even for poor persons, the use of the same is permitted to the friars.

"However, in the use of money, all the friars are completely dependent upon superiors either by requesting permission or by submitting a faithful account of monies received.

"Let an expert in economic matters, either a friar or other person, be designated by the general or provincial definitory board; he performs the office of treasurer – general or provincial or conventual – with dependence upon superiors and to him belong all the rights and functions of the apostolic syndic in accordance with the prevailing general constitutions."

After having examined all these points again and again, I hasten to give you this information:

(a) In the audience granted to the secretary of this Sacred Congregation on the 5th of July, 1969, the Supreme Pontiff strongly affirmed that the authentic interpretation of the Rule of the illustrious Saint Francis must be reserved to the Holy See. However, the

'Reported in *Canon Law Digest,* 6, pp. 675-677.

faculty is given to the general chapter of your order to accommodate that interpretation in a timely way to the new circumstances of the times. Nevertheless, this accommodation or interpretation of the Rule made by the said general chapters cannot have the force of law unless approbation of it has first been obtained from the Holy See itself.

(b) With regard to Franciscan poverty, since there is issue of decisions which make some changes in the Rule of St. Francis, whose authentic interpretation is reserved to the Holy See, a petition was submitted to the Supreme Pontiff, who, in the audience granted to me on the 22nd of January, graciously agreed that what has been set down by the general chapter and reported above relative to religious poverty, can be undertaken as an experiment until the next general chapter. Nevertheless, since this poverty is said to be Franciscan because the blessed Francis himself was poor not only in fact but also in spirit but, with the lapse of time, prescribed for his followers poverty itself "in new forms" (deer. *Perfectae caritatis,* η. 13), the Supreme Pontiff earnestly wishes that you religiously guard so precious a gift of your father. Especially in our times poverty stands out as the distinguished sign of the heavenly kingdom "which is greatly esteemed" (deer. *Perfectae caritatis,* η. 13). Therefore, lest this Franciscan poverty little by little be eroded as was strongly asserted also by the recent general chapter, it will help always to be mindful of the following:

Superiors, while designedly avoiding all forms of accumulation and banking business, should use money only for the necessities of life and to support works of charity.

Do not wish to belong to the number of those falsely-called poor who wish, indeed, to be poor but on condition that they lack nothing.

In the use of everything be so mindful of your poverty that by your use you can be recogniz.ed by all as being poor both in fact and in spirit and that you can always present evangelical witness of poverty, both personal and communitarian.

(c) Finally, with reference to previous papal declarations on the Rule of St. Francis, this Sacred Department thinks it opportune to make these decisions: ■ I

The previous papal declarations on the Rule of St. Francis insofar as their preceptive force only is concerned, are declared to be abrogated with the exception of the provisions of the said declarations which are contained in the prevailing common law or in the

constitutions. With regard to these specific prescriptions the obligation to have an authentic papal interpretation, as demanded by the very Rule of St. Francis, remains firm. With these exceptions, for the rest the constitutions of the order are subject to the norms of common law.

(Private); S. C. Rel. et S. I., declaration, 2 Feb., 1970, Prot. N. 6130/68 (M 64); reported in *Acta O.F.M.* 89 (1970),25-26; *Com. pro Rel.,* 51 (1970),267-269. Annotations in *Revista Espan de Derecho Canon .* 26 (1970),549-576 (Martin-Avedillo).

CANON 595

Confession: Religious Women (S. C. Rel. et S. I., 30 Aug., 1969; 16 April, 1970) Private.

Following are two *private* replies, each to different congregations of religious women, on the subject of confessions of religious women.

I. The Holy See does not judge it opportune to establish other norms before the new Code of Canon Law is promulgated.

II. The sisters should go to confession frequently, that is, at least every fifteen days. Superiors, however, should see to it that a confessor is available every week, insofar as possible, for those who may wish.

(Private); S. C. Rel. et S. I., replies, 30 Aug., 1969 and 16 April, 1970 respectively; both replies reported in *RfR,* 30 (1971),133.

Confession and Religious; Illness and Profession (S. C. Rel. et S. I., 8 Dec., 1970) AAS 63-318.

Following is the decree, *Dum canonicarum legum,* which sets up "norms regarding the use and administration of the sacrament of penance, especially among religious women."

While the revision of canon law is being completed, the Sacred Congregation for Religious and for Secular Institutes thought it opportune, on account of not a few pressing causes, to subject to its examination in a plenary session certain questions about the use and administration of the sacrament of penance, especially among religious women, and to examine also the suitability for religious profession in a certain special case.

Therefore, after having naturely weighed all things, the Fathers in the plenary session held on 26 and 27 October, 1970, determined that the following should be enacted:

I

1. Inasmuch as religious are united in a special way with the Church which incessantly pursues the path of penance and renewal (const. *Lumen Gentium,* n. 8), they ought to esteem the sacrament of penance by which the primary gift of "metanoia" or conversion to Christ's kingdom, received earlier through baptism, is restored and strengthened in the members of the Church who have sinned (cf. const, ap., *Poenitemini,*[1] ,4/LS', 58 [1966], 179-180), by which pardon from the mercy of God for offenses committed against Him is obtained, and by which at the same time reconciliation with the Church, which they have wounded by sin, is effected (cf. const. *Lumen Gentium,* n. 11).

2. Likewise they should greatly value the frequent use of this sacrament by which true self-knowledge is increased, Christian humility grows, salutary direction of souls is achieved, and more plentiful grace is won; these and the other wonderful fruits of this sacrament very greatly help not only for daily and faster progress along the path of virtue, but also contribute to the common good of the entire community (cf. cncyc. *Mystici Corporis,* AAS, 35 [1943], 235).

3. Let religious, therefore, who are solicitous for fostering their union with God, be careful to approach the sacrament of penance frequently, i.e., twice a month. On the other hand, let superiors strive to promote this frequent reception and let them make provisions so that their subjects can make a sacramental confession at least every other week and even oftener, if they so desire.

4. With regard to the confessions of religious women in particular, it is decreed that:

(a) all religious women and novices, in order that they may enjoy due liberty in this matter, can validly and licitly make a sacramental confession to any priest who is approved for hearing confessions in that place and no special jurisdiction (can. 876) or designation is required for this action.

(b) nevertheless, in order to provide better for the good of the communities, let an ordinary confessor be given to monasteries devoted to the contemplative life, to houses of formation, and to larger communities; and at least in the case of the aforesaid

[1] Reported in *Canon Imw Digest,* 6, pp. 67 5-677.

monasteries as well as houses of formation, let an extraordinary confessor also be provided. However, there is no obligation to go to them.

(c) an ordinary confessor can be named for the other communities if, in the judgment of the bishop, special circumstances make it advisable, and if there has been a prior earnest request by the community or if the community has been consulted about the matter.

(d) the Ordinary of the place should carefully select confessors who have suitable maturity and other requisite qualities·, he should decide the number of confessors, their age, and the duration of their office, as well as proceed to appoint them or confirm them for continuation of their office after having taken counsel with the community concerned.

(e) the prescription of the canons which are contrary to the preceding decisions, or which cannot be reconciled with them, or which, in view of them, lack pertinence or application remain suspended.

5. The things which are prescribed in the preceding number apply also to lay communities of men insofar as they are applicable.

Il

The final clause of canon 637 of the Code of Canon Law is to be understood in such a way that a religious professed of temporary vows, who, in the prior judgment of doctors or other competent persons, is found to be unsuitable for leading the religious life without harm to the religious himself or to the institute to which he belongs because of a physical or mental sickness, even if it is contracted after profession, can be excluded from making renewal of vows or perpetual profession by the competent superior with the consent of his council. In judging such cases charity and justice ought to be observed.

The Supreme Pontiff, Pope Paul VI, in the audience granted on the 20th day of November to the secretary of this Sacred Congregation, deigned to approve these provisions and ordered them to be reduced to practice immediately without any formula of execution and until the revised Code of Canon Law shall take effect.

All things to the contrary notwithstanding.

Given at Rome, 8 December, 1970.

AAS 63-318; S. C. Rd. et S. I., decree, 8 Dec., 1970; the original carried the Prot. N. Sp.R. 44/70. Annotations in *Com. pro Rel., 52* (1971 >.350-360 (Gutierrez).

CANON 596

Religious Garb (S. C. Rei et S. I., 22 Jan., 1972; 25 Feb., 1972)
Private.

This Sacred Congregation has been receiving reports from various countries that religious men and women, in ever greater numbers, are abandoning the religious habit and even any distinctive external sign of consecration. On the other hand, many inquiries are being made as to just what is the mind of the Holy See in this regard.

It seems opportune to inform you of the type of reply this Sacred Congregation gives in such cases, trusting that Your Excellency will find ways of making this known whenever circumstances require it.

"First of all, it is appropriate to state again that the religious habit has been considered by the Second Vatican Council as a sign of consecration for those who have embraced in a public way the state of perfection of the evangelical counsels. *{Perfectae caritatis,* η. 17).

"Moreover, this concept has also been confirmed by the recent apostolic exhortation of His Holiness, *'Evangelica testificatio' n.* 22.

"Nevertheless, religious institutes, in their general chapters may, and in some cases ought to, modify the traditional habit in accord with practical requirements and the needs of hygiene but they may not abolish it altogether or leave it to the judgment of individual sisters.

"The basic criterion to be observed is that the habit prescribed by religious institutes, even as modified and simplified, should be such that it distinguishes the religious person who wears it.

"On the other hand, purely secular clothes, without any recognizable exterior sign can be permitted, for particular reasons, by the competent superiors to those sisters to whom the use of the religious habit would constitute an impediment or obstacle in the normal exercise of activities which should be undertaken in certain circumstances. Even in this latter case the dress of the religious women should not depart from the forms of poverty, simplicity and modesty proper to the religious state. It should always be 'in some way different from the forms that are clearly secular.' *(Evangelica testificatio,* η. 22)."

The foregoing applies, *mutatis mutandis,* also to male religious who should always be distinguishable from seculars by the use of the roman collar or by some other visible and appropriately distinctive sign.

I welcome this occasion to send you my very best wishes, and I remain

Yours faithfully in Our Lord.

Card. Antoniutti.

(Private), S. C. Rel. et S. I., letter, 22 Jan., 1972, Prot. N.Sp.R. 164/72. this is the date given for the original document in the circular sent out by the U. S. /Xpostolic Delegate, 28 Jan., 1972, Prot. N. 347/72, although a special insen in *Bulletin U.I.S.G.,* n. 23 (1972) gives the date as 25 Feb., 1972.

CANON 597

Cloister Norms for Religious Men Mitigated (S. C. Rel. et S. I., 26 Feb., 1970) Private.

The following letter by which "the norms regarding the cloister of male religious arc mitigated," was addressed to the president of the Union of Superiors General.

There have arrived at this Sacred Congregation, especially during recent years, many and repeated requests on the part of different orders (Canons Regular, Mendicants, Clerks Regular) directed to obtain a dispensation from papal cloister.

With a view to seconding the present requests of the superiors general in a manner more consonant with the needs of the times, a petition was presented to the Holy Father for the power to authorize the said orders, with the exclusion of monks, to regulate their cloister in conformity with canon 604 of the Code of Canon l.aw.

In this regard, I am pleased to inform you that, in the audience granted to me on the 23rd of the current month, the Supreme Pontiff favorably received the request and has granted the favor requested.

Consequently, I ask you to bring that to the knowledge of the interested superiors general so that they, if they so wish, can make use of the pontifical concession.[1]

(Private); S. C. Rel et S. I., 26 Feb., 1970, Prot. N. Sp. R. 20/70; Unione Sup. Gen. 8 March, 1970, Ns. Cire. N. 12/70; reported in *Com. pro Rel,* 51 (1970), 181-182.

[1] See also the document immediately following this one, sc. S. C. Rel et S. I.. 4 June. 1970.

Papal Cloister in Male Religious Orders (S. C. Rel., et S. I., 4 June, 1970) AAS 62-548.

The Sacred Congregation for Religious and for Secular Institutes issued the following "declaration on the papal cloister of male religious orders."

In order that the papal cloister of male religious orders may be more suitably accommodated to our times, the Sacred Congregation for Religious and for Secular Institutes, according to the wishes of very many superiors, submitted to the Supreme Pontiff a petition whereby the superiors general of canons regular, mendicants and clerics regular may adjust their cloister according to the terms of canon 604 of the Code of Canon Law.

Since the Supreme Pontiff, on 23 February, 1970, allowed the request, the superiors general of male religious orders – with the exception of monks – may temper their own cloister according to the norm of the aforesaid canon.

Rome, 4 June, 1970.

AAS 63-548, S. C. Rel. et S. I., declaration, 4 June, 1970.

CANON 600

Norms Regulating Papal Cloister of Nuns (S. C. Rel. et S. I., 15 Aug., 1969) AAS 61-674.

This instruction, *Venite seorsum,* contains seven sections after a brief introduction. Sections one through five give a splendid exposition and defense of the purely contemplative life but, since this part of the instruction pertains more to ascetical theology than to canon law, it is omitted from this report but can be read in English translation in *Catholic Mind,* 67 (Oct., 1969), 52-58 or *The Pope Speaks,* 14 (1969-70),268-278.

VI

Nevertheless it is easily undertandablc that the established and definite obligation by which one binds herself to the cloistered life cannot arise from and be found in a kind of swiftly passing fervor but must derive from a strong and unwavering maturity whereby one will be able to renounce certain social goods which are and should be

considered of very great value. This maturity is necessary so that with complete spiritual liberty she may choose a form of life in which in her pursuit of life she clings to Christ alone and the things which arc of heaven. For this reason vocation for the monastic life of nuns must be tested by long and diligent study in order that their motives may be rightly discerned so that those candidates may be excluded in good time who, unknowingly perhaps, are led on by-reasons which are not sufficiently supernatural and clear and which can hamper their full spiritual and human development.51 The useful precautions which are set down in the law of each institute, must not only be carefully weighed before the admission of postulants into the monastery, but also must be considered before members bind themselves with perpetual vows.

All that is set forth in this instruction pertains to all institutes which are totally dedicated to the contemplative life. Notwithstanding this, every religious family has it own characteristics and nature which often have been defined by its founder and which must be faithfully preserved. Neither is the possibility denied that, under the inspiration of the Holy Spirit, new forms of contemplative life may later arise in the Church.

As a result, those features are recognized as legitimate whereby institutes, in a certain kind of wonderful variety, differ one from another, in a variety, that is, which derives principally from the importance which each one attributes to prayer or to liturgical worship, to life lived in common or to elements of the eremitical life which rather easily worked into the structure of a monastic institute. Without doubt, this holds true with regard to the manner in which each institute understands and puts into effect material separation from the world by means of enclosure.

VII

While, then, the prescriptions of the Second Vatican Ecumenical Council regarding the observance and adaptation of cloister arc hereby confirmed, especially since it is a most serviceable support of the

51 Cf. Vat. Coun. II: *Const, on the Church,* n. 46: "Finally, all should realize that the profession of the evangelical counsels, although it entails the renunciation of goods which undoubtedly must be highly esteemed, nevertheless is not an obstacle to the true development of the human person but rather by its nature is extremely beneficial to it." Cf. also *Deer, on Religious Life,* n. 12. (Footnotes 1-50 occur in previous sections of this instruction.)

contemplative life, the Sacred Congregation for Religious and Secular Institutes has taken care to issue these norms which were approved by Pope Paul VI on the 12th of July, 1969, for monasteries of nuns totally dedicated to the contemplative life.

NORMS REGULATING PAPAL CLOISTER OF NUNS

"The papal cloister of monasteries must be regarded as an ascetical institution which is singularly consistent with the special vocation of nuns for it is a symbol, a safeguard, and a special form of their withdrawal from the world."[5 l a]

1. The cloister which is reserved for nuns totally dedicated to the contemplative life *(Decree on Religious Life,* n. 16) is thus called papal because the norms which govern it, must be sanctioned by apostolic authority, even if there be question of norms established or to be established by particular law. By these norms the nature proper to each institute is aptly expressed.

2. The law of papal cloister applies to all of the house which the nuns inhabit as well as to the gardens and wooded areas reserved for access by the nuns.

3. The section of the monastery which is subject to the law of cloister must be so set up that it effects material separation *(Ecclesiae Sanctae,* II, η. 31) which, that is, prevents entrance and exit (for example, by a wall or other effective means such as a wooden fence, an iron mesh, a thick strong hedge). Entrance and exit should be through doors which are locked with keys.

4. The mode of making this separation effective, especially as regards the choir and the parlor, should be defined in the constitutions and in supplementary' legal documents, with attention given to the differences of the traditions of each institute and of conditions of time and place (e.g., grilles, latticework, stationary partition, etc.). In conformity with article I, however, the above-mentioned mode of separation must be submitted to the S. Congregation for Religious and Secular Institutes for prior approval.

5. In virtue of the law of cloister, nuns, novices and postulants must live within the section of the monastery circumscribed by cloister and they may not leave it except in the cases provided for by law (cf. art. 7). <:

[5 1 il] Alotu *proprio. Ecclesiae Sanctae,* II, η. 30; complete text of this document reported in *Canon Law Digest.* 6, pp. 264-298.

6. Similarly, the law of cloister prohibits anyone of whatever condition, sex or age from entering the section of the monastery' subject to cloister, except in the cases provided for by law (cf. art. 8 and 9).

7. Aside from special induits from the Holy See, those mentioned in art. 5 are permitted to leave the cloister.·

a) in case of very serious and imminent danger.

b) with the permission of the superioress and with at least habitual consent of the local Ordinary and, if had, of the regular superior:

1) to consult doctors or to care for one's health provided that this is done locally or nearby.

2) to accompany a sick nun if real necessity so demands.

3) to do manual work or to exercise necessary vigilance in places situated outside the cloister but inside the premises of the monaster)'.

4) to exercise civil rights.

5) to perform administrative acts which cannot otherwise be performed.

Except for cases of taking care of one's health, if the absence must be protracted beyond a week, the superioress must obtain prior consent from the local Ordinary and, if had, from the regular superior.

c) except for the cases described under letter /?), the superioress must seek permission from the local Ordinary' and, if had, from the regular superior but such permission cannot be granted except for a really serious reason and only for the length of time truly necessary.

d) all departures permitted in conformity with n), *b)* and c) of this article may not be protracted beyond three months without permission from the Holy See.

8. Aside from special induits from the Holy See, the following are permitted to enter into the cloister:

u) cardinals who may bring with them several attendants; apostolic nuncios and delegates in places of their own jurisdiction.

b) those who actually hold supreme dominion over peoples as well as their wives and retinue.

c) the local Ordinary and the regular superior, for a just reason.

d) canonical visitators at the time of visitation but onlv for the sake of inspection and provided they are accompanied by' a male companion.

e) a priest, together with servers, to administer sacraments to the

sick or to conduct funeral services. Entrance is permitted also to a priest to assist those who are laboring from a chronic or serious illness.

f) similarly, a priest, together with servers, to conduct liturgical processions if he has been invited by the superioress.

g) doctors and others whose work or skill is necessary to provide services to the monastery, with the permission of the superioress and under the vigilance of the local Ordinary and, if had, of the regular superior.

h) sisters engaged in the external service of the monastery in accord with its own statutes.

9. Particular law which has been approved by the Holy See as required by art. 1 and which is in keeping with the spirit and character of each institute, can establish more severe norms of cloister or sanction other cases of lawful entrance or exit which look to the needs of the monastery or to the good of the nuns.

10. The use of radio and television can be permitted in monasteries of nuns totally dedicated to the contemplative life only in special circumstances having a religious character.

11. Newspaper, periodicals and other communication media must neither be too numerous nor be indiscriminately admitted.[5 lb] For by those media the spirit of this world can pervade and disturb even the best communities.

12. Sessions or group meetings of any kind which can hardly or not at all be harmonized with the cloistered life must be prudently shunned. If, however, present circumstances seem so to advise, then, with due permission, nuns can at times be permitted to attend those group meetings which really foster the cloistered life provided that such departures from the cloister do not become too frequent. Superiors should be mindful that the purity and fervor of the cloistered life depend heavily on the strict observance of the laws on cloister. As a result, exit from the premises of the monastery should remain an exception.

13. The law of cloister entails a serious obligation in conscience for both the nuns and the outsiders.

14. During a canonical visitation the visitator must inspect the material cloister. On the other hand, the superioress must render him a report on the observance of the norms of cloister as well as submit

Cf. *Inter, mirifica,* n. 4; complete text reported in *Canon Law Digest,* 6, pp. 799-808.

to his inspection the book in which exits and entrances should be faithfully recorded.

15. Since the Church makes much of the cloistered contemplative life, she highly praises nuns who, in adapting cloister in a manner more in keeping with this contemplative life, maintain withdrawal from the world at its holiest (cf. *Decree on Religious Life,* n. 7). On the other hand, she earnestly exhorts those who have the right and duty to supervise the custody of cloister, namely, the local Ordinary and, if had, the regular superior, to protect it with all solicitude and, in line with their responsibility, to render effective assistance to the superioress who is proximately charged with the custody of such cloister.

16. The penalties established for violators of the cloister of nuns are without force until the promulgation of the new code of canon law.

17. The manner of procedure for adaptation which has been set forth in section II, nn. 9, 10 and 11 of the apostolic letter, *Ecclesiae Sanctae,* issued *motu proprio,* should be faithfully observed. In accord with n. 6 of the said letter, however, experiments contrary to the prescriptions of the present norms which constitute common law, cannot be introduced unless prior authorization is obtained from the Holy See.

On the other hand, those monasteries which, in their adaptation of papal cloister, have already made effective certain innovations, are obliged to submit them to the judgment of the Sacred Congregation for Religious and Secular Institutes within six months of the date of publication[1] of this instruction.

Given at Rome, the 15th day of August, 1969, the feast of the Assumption of B. V. M.

AAS 61-674; S. C. Rel. et S. I., Instruction, 15 Aug., 1969. In connection with this topic, see "A Position Statement on Contemplative Life" based on results of a questionnaire to all contemplative communities in Canada and United States and issued at end of seminar 17-31 Aug. 1969, reported in *Catholic Mind,* 67 (Nov., 1969), 56-64.

[1] Publication date of the issue of AAS was 10 November, 1969.

Venite Seorsum: Force (S. C. Rel. et S. L, 2 Jan., 1970) Private.

The following letter "Regarding the force of the instruction, *Venite seorsum,"*[1] was issued over the signature of both the prefect and the secretary of the S. C. for Religious and for Secular Institutes.

Since, after the publication by this Sacred Congregation of the instruction, *Venite seorsum,* on the contemplative life and the cloister of nuns, certain questions have been proposed by bishops, priests and religious regarding the force of the said instruction, it has seemed to me necessary to communicate the following to you so as to put at rest the minds of the nuns and to strengthens the nuns themselves in their resolve.

1.The instruction, *Venite seorsum,* was prepared by order of Paul VI and its accompanying norms were approved by the said Supreme Pontiff on 12 July, 1969, so that the said norms would constitute the prevailing law for the cloister of nuns.

2.This set of norms which were established with the wishes of the nuns kept in view, has for the most part turned out to be *very* acceptable to the said nuns as can be proved by numberless letters spontaneously and voluntarily sent from all over the world to the Supreme Pontiff and to this Sacred Congregation.

3.There arc some monasteries which petitioned that the norms be accommodated to definite circumstances of place and time. Consideration of such a wish will be had when the constitutions shall have been submitted to the Apostolic See for approbation.

4. Some monasteries — only a few — have manifested an attitude of resistance against the instruction as regards cloister. This class of monasteries, after having maturely weighed all aspects of the matter, by will of the Supreme Pontiff, will be able to be led on to another form of religious life and leave behind their original canonical status of papal cloister.

5.The norms annexed to the instruction, *Venite seorsum,* and approved by the Supreme Pontiff, in no way derogate from the faculties granted in the *motu proprio, Pastorale munus.*2 According to the express interpretation given by the said Supreme Pontiff in an audience on 7 March, 1967, these faculties must be accepted thus; "(1) For a just and serious cause bishops can permit egress of the

^Reported above in this volume under this same canon.
Reported in *Canon Law Digest,* 6, pp. 370-378.

nuns from the cloister but they can in no way, however, impose egress; (2) The reasons for permitting egress from the cloister must be those which arc set forth in the instruction, *Inter cetera* n. 24,' with this one difference that whereas in virtue of that said instruction prior recourse to the Holy See was demanded, those permissions for egress can now be granted by the bishops." This interpretation the Supreme Pontiff, Paul VI, has deigned to approve and confirm again in the audience granted to me on 13 November, 1969.

At the same time that I tell you these things which are to be communicated to the Most Excellent Ordinaries and to all monasteries existing in your country, I ask Your Excellency to favor the advance of the contemplative life of nuns with what authority you can, and to sustain and protect the said nuns in their holy resolve.

(Private); S. C. Rd. et S. I. letter, 2 Jan., 1970, Prot N. S. R. 1466/66. reported in *Coni. pro Rel.,* 51 (1970),180-181.

Venite Seorsum: Development of New Kind of Contemplative Life (S. C. Rel. et S. I., 13 June, 1970) Private.

The following letter of clarification was addressed to John J. Car- . f t. Louis (Mo.) by the secretary (Fr. Heston) of the S. C. for Religious and for Secular Institutes.

It is in a spirit of deep gratitude that I reply to your letter of June 5, thanking Your Eminence not only for your correspondence of that date and the information accompanying it, but particularis for the dedicated spirit with which you arc so splendidly serving and supporting the interest of contemplative nuns in the United Stares.

I'he letters of request and inquiry being received by Your Eminence from contemplatives is clearly indicative of the great confidence these good sisters are placing in you.

This Sacred Congregation also appreciates your delicate position, particularly at this time, when certain difficult situations arc developing in some monasteries due to the fact that a few nuns are opposed to the cloister in the sense of the instruction *Venite seorsum.*

In order that there may be no misinterpretation of the statement of the Cardinal Prefect of this Sacred Congregation in his letter

3Canon Law Digest, 4, p. 225.

of January 2, that those in opposition to the norms attached to the instruction . . . may develop another kind of religious life, leaving their traditional canonical form of papal cloister," we wish to clarify briefly for Your Eminence the three questions which you raised in your recent letter.

(a) The development of some other form of contemplative life not in conformity with the ideals and norms set forth in *Venite seorsum* may not be done within any presently existing community.

(b) If a new form of the contemplative life is desired and sought, the establishment of a totally new community without any relationship whatever to any existing contemplative community is expected and required.

(c) The proper procedure to be followed by nuns who wish to experiment with new forms of contemplative life not in conformity with the instruction *Venite seorum* and its norms is to petition the Sacred Congregation for Religious for dispensation from their vows and, subsequently, to request of the Ordinary in whose diocese they would hope to initiate their experiment permission to establish themselves in his diocese and under his jurisdiction, launching their new foundation as a Pious Union.

It is the mind of this Sacred Congregation that authentic contemplative life, the glory of the Church for centuries, can be maintained at its holiest only with such prudent and careful precautions. At the same time, we are confident that, in this same way, what might be prompted by the Spirit of God in these times will thereby not be suppressed or lost.

(Private); S. C. Rel. et S. I., letter, 13 June, 1970, Prot. N. S. R. 4821/68.

Venite Seorsum: Faculties Regarding New Foundations (Card. Carberry, 3 Aug., 1970) Private.

The following letter was addressed to the superioresses of monasteries of nuns by John J. Cardinal Carberry, archbishop of St. Louis, in his capacity as chairman of the pontifical commission on this matter.

Following upon our letter of May 6, 1970 to you, several inquiries were received from contemplative religious which contained requests for further information as to the procedure to be followed should a

Reported above immediately before this document.

new form of the contemplative life not in conformity with the norms of *Venite seorum*[1] wish to be established.

These requests were presented to the Sacred Congregation for Religious by our Commission in a letter of June 5, 1970. Under date of June 13, an answer was received which clearly outlines the steps to be followed.

The Sacred Congregation for Religious, through the Apostolic Delegation, has directed that our Commission advise you and your sisters of the contents of this letter of June 13, 1970.[2] Accordingly, we are sending the enclosed copy of the letter to you and your community.

It may be well for us to point out that our Commission has no faculties either to dispense or to approve new foundations. Such requests will be handled in the usual manner, as set forth in Father Heston's letter.

We sincerely trust that these latest directives will be of assistance to our contemplative religious whose prayers we treasure and whose lives of dedication and sacrifice are obtaining from God untold graces for the Church in these trying days. The papal cloister indeed is a precious form of life – a form of life the Holy See wishes to protect. But at the same time the Holy See is disposed to hear and study requests for other forms of contemplative life distinct from and not under the papal enclosure.

(Private); John J. Card. Carberry, letter, 3 Aug., 1970.

CANON 602

Parlor Without Grille (S. C. Rel. et S. I., 22 June, 1970) Private.

Petition. The abbot procurator general of the Cistercian Order humbly requests from Your Holiness permission that the nuns of the above-mentioned Order in Spain, in those monasteries in which they so desire, may have a parlor without a grille, while maintaining an evident separation by means of a wall, a railing or a stationary table.

Reply. The Sacred Congregation for Religious and for Secular Institutes, using the faculties granted to it by the Supreme Pontiff,

[1] Reported above in this volume under this same canon.
[2] Reported above immediately before this document.

after having considered the recitals, graciously grants the request provided that a substantial and efficacious separation is maintained and with the observance of what must be observed. All things to the contrary notwithstanding.

Given at Rome, the 22nd day of June, 1970.

(Private); S. C. Rel. et S. 1., rescript, 22 June, 1970, Prot N. 4980/70; reported in *Vida Religiosa,* 29 (1970),484, footnote 1.

CANON 604

Common Cloister: These norms now applicable also to male religious orders (except monks) formerly obligated by canons 597-599. *See c.* 597; S. C. Rel. et S. 1., 4 June, 1970.

CANON 607

Egress of Sisters: Suspension of prohibition against going out singly. *See* c. 66; S. C. Rel. et S. I., 4 June, 1970, n. 8.

CANON 610

Divine Office in Vernacular (S. C. Rel. et S. !.. 21 Mar., 1969) Private.

The following document was addressed to the Prior General of the Order of St. Paul, the first Hermit.

This Sacred Congregation, because of the very recent kind disposition of the Supreme Pontiff, grants the faculty earnestly sought by Your Reverence's Paternity to allow that, when the divine Office is recited with lay religious, it may be celebrated in the vernacular in the houses of your Order which exist in North America.

On the other hand, Your Paternity will have to take care that all interpret the faculty and use of this grant in accord with the mind and command of the letter of 6 June, 1967, in which the Supreme Pontiff gave to the Sacred Congregation for Religious and Secular Institutes authorization to grant the use of the vernacular in very special circumstances, namely:

1) "The induit can in no way be considered an abrogation of the instruction, *In edicendis,*[1] of 23 november, 1965, whose norms wholly square with the prescriptions of the Second Vatican Ecumenical Council as the Supreme Pontiff himself strongly repeated in his letter, *Sacrificium laudis,*[2] of 15 August, 1966."

2) "Monasteries and religious institutes which observe these norms and cultivate the chant proper to the Roman Church (cf. *Const, on the Sacred Liturgy,* n. 116)[3] are highly to be praised and are to be supported strongly in their resolve."

3) "However, in order that so precious a heritage of liturgical prayer may be preserved unharmed for the Church, it is very greatly to be wished that those communities which shall have obtained the faculty to recite the Divine Office in the vernacular, employ the Latin tongue for celebrating the said Office in Gregorian chant."

4) Your Paternity can grant this induit "provided that the communities themselves desire such a favor by the free and secret vote of all the members."

(Private); S. C. Rel. et S. I., Induit, 21 Mar., 1969. Prot. N. 13701/69; reported in *Com pro Relig.,* 51 (1970), 182-183.

Divine Office: Recitation in Common (S. C. Rel. et S. 1., 31 May, 1969) Private.

This Sacred Congregation has received from mendicant Orders not a few petitions concerned with the choral recitation of the Divine Office. As you know, the Congregation submitted this question for examination to a commission set up for this purpose and composed of five superiors general or their delegates.

With full diligence and attention this Sacred Congregation considered the conclusions and proposals of this examination which were proffered by the commission and submitted them to the Supreme Pontiff for his approval.

In the audience granted to the undersigned Cardinal Prefect of this Sacred Congregation on the 13th of this month of May. the Holy Father deigned to approve the following:

1) The Sacred Congregation for Religious and Secular Institutes grants to the mendicant Orders that they may recite the Divine Office in common rather than in choir if it shall have been so stipulated by their own special general chapter.

[1] Reported in *Canon l aw Digest, 6,* pp. 1 1 7-120.
[2] Reported in *Canon law Digest,* 6, pp. 501-505.
[3] Reported in *Canon Law Digest,* 6, p. 62.

2) a) The said Sacred Congregation grants to the general chapter of mendicant Orders which wish to retain rhe obligation of choral recitation, the faculty to make some exceptions. In such a case, the chapter should determine which Hour may be recited in common rather than in choir and in what place outside the choir.

b) Whenever a given community cannot discharge the complete Divine Office in choir or in common because of special circumstances or for serious reasons which have been approved by the said chapter, the superior general with his council should define which canonical Hours arc to be recited in common or in choir. For the rest, there remains for each religious the obligation of making up in private those parts of the Divine Office which were not performed in choir or in common.

3) it is not permitted to substitute for the Divine Office other prayer formulas, even though they be duly selected by the community, because a substitution of that kind is contrary to what was set down by the Second Vatican Ecumenical Council and the Holy Sec will not at all grant a dispensation in this matter.

These points arc communicated to Your Reverence for your knowledge and as a norm.

(Private); S. C. Rd. et S. I.. Circular Letter 31 May, 1969, Prot. N.R.S. I 506/69; reported in *Com. pro Relig.,* 51 (1970), 183-184.

Liturgy of the Hours for Certain Religious (S. C. Cult. Div., 6 Aug., 1972) Private.

A notification by the S. C. for Divine Worship regarding the Liturgy of the Hours for certain religious communities.

Al| who celebrate the Divine Office by using the new books of the Liturgy of the Hours, on their own admission, find more abundant riches for nourishing their spiritual life and, consequently, have reason to renew their manner of celebrating the praises of God.

However, certain religious communities, among those especially which lead the contemplative life, desire a greater resource of psalms for recitation through the day, especially in the Office of readings, and they also wish the right to vary the psalms for the three minor Hours. Some others have asked for permission also to preserve the *Roman Breviary.*

Although sympathetic to those desires and wishes, this Sacred Congregation, while it pays tribute to the importance of those who

offer an outstanding sacrifice of praise to God in solitude and silence, in assiduous prayer and cheerful penance,[1] demonstrating Christ in contemplation on the mountain,[2] at the same time strongly exhorts them to enter with dignity, attention, and devotion into the converse between God and men for which, by institution of the Church, they arc deputed, and to celebrate the sacred liturgy with that earnestness of spirit and that attention of mind that they may truly represent that praying community which is the Church.[4]

In this connection, to be viewed also is the solemnity with which the Liturgy of the Hours is carried out, for through it is discovered the importance which is given to the public prayer of the Church as, together with Christ her Spouse, she is gathered together in the Holy Spirit and, turned to the Father, praises Him. Thence also it is perceived that those who are, as it were, in the heart of the Church, consider as of the greatest importance the prayer of the Church, namely, the prayer of Christ, together with His Body, to the Father,[5] and truly treat it as an extension and recollection of the Eucharistic celebration at the various hours of the day. Also perceived is that they believe that intercourse or dialogue between God and men must not be inermittent and that they are carrying out more fully the duty of laboring for the building up and the growth of the total mystical Body of Christ and for the good of the particular churches which pertains especially to those who lead the contemplative life.[6]

I In order that this might be accomplished more effectively, the *Constitution on tbe Sacred Liturgy* established certain provisions which have been aptly accommodated to the Liturgy of the Hours as it is to be worked into the framework of Christian life and which arc consonant with the Church's tradition:

1) Since sanctification of the day is the purpose of the Office, the reality of time should be restored to the Hours (n. 88).

2) Lauds as morning prayer and Vespers as evening prayer, the two cardinal points of the daily Office according to the venerable tradition of the universal Church, must be considered as the principal Hours and celebrated as such (n. 89, a).

'cf. Vat Coun. II. *Deer. on Rel. Life,* n 7.
2Cf. Vat. Coun. П, />oχ. *Const, on the Church,* n. 46.
'Cf. Vat. Coun. II, *Const, on Sac I it.,* n. 84, *Gen Instr on the I it. of the Hours,* nn. 17, 24, 316.
4Cf. *Gen Instr, on the I.it. of the Hours,* nn. 9, 24.
sCf. Vat. Coun. II, *Const, on Sac. Lit.,* n. 85
6Cf. *Gen Instr on the Lit. of the Hours,* n. 24.

3) The Hour known as Matins should consist of fewer psalms and longer lessons (n. 89, c).

4) The Hour of Prime is to be suppressed (n. 84, d).

5) The readings from sacred scripture are to be so arranged that the treasury of the word of God may be more fully and easily accessible (n. 92, a).

6) A better selection shall be made of readings taken from the works of the Fathers, doctors, and ecclesiastical writers (n. 92, b).

The *General Instruction on the Liturgy of the Hours* faithfully fulfilled the mandate of the Council. All, particularly religious communities, since they in a special way represent the Church at prayer, must very willingly adhere to the letter and to the spirit of the new Liturgy of the Hours in the celebration of the Office unless prevented by the just reasons indicated in the decree issued by the S. Congregation for Divine Worship on 11 November, 1971.

On the other hand, lest the spirit of the new Liturgy of the Hours become incomprehensible to some, the elements which are set forth in the *Instruction* and which conduce to procuring a fuller celebration must be weighed with all care, for example:

a) Understanding of and spiritual taste for the psalms (cf. nn. 100-109) whereby it happens that the chanting or recitation of them turns out to be such that those who utter them may perceive the spiritual fragrance, as it were, and beauty of the psalms.

b) Celebration of the Divine Office in chant, inasmuch as this is more consonant with the nature of this prayer form and should be an indication of greater solemnity and a more profound union of hearts in the rendering of praise to God, is earnestly commended to those who discharge the Office in choir or in common (cf. n. 268). This must be reduced to practice in accordance with the laws and customs of each community but care must be taken that the principle of "progressive" solemnity, at least, be introduced (cf. n. 273).

c) As opportuneness and prudence allow, for a full perception of the voice of the Holy Spirit resounding in the heart and fora closer conjunction of personal prayer with the word of God and the public voice of the Church (n. 202), sacred silence should be observed after the individual psalms following the repetition of the proper antiphon, and after the lessons, both those which are short and those which arc longer.

d) Insofar as the laws and tradition of the individual communities allow, the Office of readings should retain its character of nocturnal

praise (cf. nn. 57-58) and also, insofar as possible, the vigil which is attached to Sundays and solemnities and which is very greatly suited to those who live the contemplative life. They are very often exhorted to nocturnal prayer by the Fathers and spiritual writers because by it is expressed and aroused the expectation *of* the Lord who will return. Therefore, all who preserve the nocturnal character of the Office of readings are worthy of praise (cf. n. 72).

e) The orations over the psalms should be brought into use, where this is possible, in order that they may assist those reciting them in attaining particularly their Christian interpretation. There is question of prayers which, according to ancient tradition, were said when the psalm was finished and a given period of silence was observed so that the sentiments of the chanters might be brought together and concluded (cf. n. 112). Collections of such prayers may even now be drawn up and submitted to the Holy Sec for approbation before the supplement to the Liturgy of the Hours is published.

f) In addition to the readings proposed in the Liturgy of the Hours, particular lectionaries may be composed which are accommodated to the special spiritual needs of the communities and which must be submitted to the Holy See for prior approval.

However, as regards the readings, it must be observed that they and, particularly, the readings from sacred scripture, to whose understanding all other must conduce, are an encounter and dialogue with God and a praise of the goodness of Him who through the handing on of the word in Christ and in the Church has introduced us to the eternal colloquy of His love. Hence, it is easily understood that even the readings which are had in the sacred liturgy can be accepted as a form of praise of God (cf. nn. 140 and 29).

And yet, in order that a reading, when it is made, may be a real prayer, sedulous attention must be given that it be read with dignity, clarity, and distinctness so that it can be really grasped and rightly understood by all (cf. n. 283). Consequently, only that musical mode may be employed in a reading which better contributes to the audition of the words and the understanding of the text.

II. Based on these premises, if particular groups wish to draw out the celebration of the Hours, especially the Office of readings, through a longer time, they may introduce the following adaptations into the structure of the Liturgy of the Hours:

A) The Office of Readings

– *Weekdays:* six psalms may be said in this manner.·

3 psalms of the first (or second) week which are followed by the biblical reading of the day together with its responsory;

3 psalms of the third (or fourth) week for the said day which are followed by the patristic reading of the day together with its responsory;

— *Sundays and feasts:* six psalms and the three canticles of the protracted vigil may be said in the manner described above, namely:

3 psalms, the biblical reading with its responsory;

3 psalms, the patristic reading with its responsory;

3 canticles, the gospel, *Te Deuni.*

B) The Daily Hours

The *Instruction on the Liturgy of the Hours* stipulates that the three Hours of Terce, Sext and None are to be retained by those leading the contemplative life, without prejudice to particular law (n. 76). Accordingly, those who daily celebrate the three minor Hours, in place of the complementary psalmody, may use the following psalms but not on Sundays:

At Terce- the psalms of the current week for the middle Hour;

At Sext: the psalms of the preceding week for the middle Hour;

At None-, the psalms of the following week for the middle Hour.

In order to introduce the above-mentioned adaptations, the consent of the community, expressed by at least a two-thirds majority of secret votes in favor, is required.

These norms which were drawn up by this Sacred Congregation, after having consulted the Sacred Congregation for Religious and for Secular Institutes, were approved on the 5th day of August, 1972, by the Supreme Pontiff, Paul VI, who stipulated that they be published.

All things to the contrary notwithstanding.

From the offices of the Sacred Congregation for Divine Worship, the 6th day of August, 1972, the feast of the Transfiguration of the Lord. I

(Private); S. C. Cult. Div., notification, 6 Aug., 1972; reported in *Notitiae,* 8 (1972),254-258. Annotations: *ibid.,* pp. 258-264 (V.S.M.).

CANON 615

Exemption: Positive and negative meaning of. *See c.* 487; Paul VI, 29 June, 1971, n. 50; 19 Oct., 1972, near end of allocution.

CANON 621

Alms-gathering by Religious (Conf. Episc. Ital., 15 May, 1968) Private.

The Joint Conference of Italian Bishops and Religious takes under examination the pastoral problems connected with the practice of alms-gathering by religious while keeping in mind the *motu proprio, Ecclesiae Sanctae,* I, η. 27,' par. 1, and the limitations set down by that faculty that they must hear the interested religious superiors and that the right to beg on the part of those Orders which by their constitutions are called and are mendicants is reaffirmed.

I. *The situation:*

1) There is nobody who does not recognize that a correct and proper practice of alms-gathering always retains in our day its own value for the attainment of specific spiritual goals since it provides a stimulus in the religious families and in the individual persons who exercise it and, at the same time, in those who, because of it, are induced to the practice of charity. We hold that the reaffirmation by the *motu proprio, Ecclesiae Sanctae,* of the right of mendicant Orders to beg is not the mere retention of an anachronistic privilege but has its justification in the recognition of this proper and perdurmg value.

2) To be remembered, moreover, is that while many advantages arc created by alms-gathering with its example of compassion, discretion and correctness, even external, there are not a few who demonstrate that they are not prepared for this very delicate task.

3) To be remembered, furthermore, is that the practice of alms-gathering loses its function of witness and becomes quite counterproductive in our day if it is practiced in such circumstances that the "far-out persons" become annoyed and are rendered more hostile to the faith and the built-up benefits do not last.

II. *The proposal*

a) The interested superiors are invited to take diligent care in the humane and spiritual preparation of religious who are destined

'Reported in *Canon Law Digest,* 6. p. 279.

for alms-gathering and to reject rigorously those who are not fit for this very delicate activity.

b) They are to observe conscientiously the canonical prescriptions with regard to the obligation to obtain permission from the local Ordinaries. The Ordinaries in their turn should strive in this circumstance to be vigilant over the correct and becoming exercise of alms-gathering by not granting permission or even by revoking permission in the case of clear trouble.

c) In every case alms-gathering is not to be practiced in public places, including in this term public services and every other place in which, for whatever motive, even religious, many persons freely and indiscriminately come together (for example, hotels, seaports, railroad stations, resort areas, beaches, sports arenas, movie theatres, bars, public transportation, stores, etc.).

d) To be remembered as well is that the practice of alms-gathering is not appropriate also on the occasion of a visit to the cemetery on burial days.

In every instance religious, when actually alms-gathering, are prohibited from being acccompanied by little children.

1Π. In the spirit manifested in the decree, *Perfectae caritatis,* ῃ. 13, and in the said *nîQtu proprio, Ecclesiae Sanctae,* 11, 23, religious institutes should study to give preference over alms-gathering, in as far as possible, to "new forms . . . such as will make the practice and witness of" voluntary "poverty more efficacious in this our day."

(Private);Conf. Episc. Irai., Notification, 15 May, 1968; reported in *Coin, pro Reltg.,* 47 (1968), 372. In the annotations (Gorricho) following the above document, it is observed that the above text was submitted to the S. C. for Religious on 29 Feb., 1968, and that the Sacred Congregation, in its letter of May, 1968, Prot. N. 9778/59, declared nothing prevented the notification from becoming part of public law or from being communicated to interested persons.

CANON 625

Blessing of Abbot and Abbess: Revised Rite Promulgated (S. C. Cult. Div., 9 Nov., 1970) AAS 63-710.

it has been traditional in the liturgical usage of the Church that the abbot and abbess of a monastery be blessed after their canonical election has taken place so that by this practice it may be manifest that the total religious family calls down heaven's grace upon him

whom it has chosen as leader for itself in traveling the path of perfection. However, with the passage of the centuries, rhe rite of blessing an abbot and abbess has quite often taken on forms appropriate to the individual times and places. Therefore, it has seemed opportune in our day to revise the traditional forms so that the rite may set in a clearer light the spiritual role of him who heads the religious family by removing those parts which are less acceptable to the character of persons of our age.

Therefore, this Sacred Congregation for Divine Worship promulgates the present revised rite of blessing of an abbot and abbess which was approved by the Supreme Pontiff, Paul VI, on the 19th day of October of this year, so that it may be used in place of the rite in the presently existing *Roman Pontifical.*

It is permissible to put it into use as soon as the Latin edition shall have been brought into the light.

The episcopal conferences should take care that editions in the vernacular be prepared and should set the date from which the said editions, after they have been duly confirmed by the Apostolic See, begin to be in force.

Everything to the contrary notwithstanding.

Prom the offices of the Sacred Congregation for Divine Worship, the 9th day of November, 1970.

AAS 63-710; S. C. Cult. Div., decree, 9 Nov., 1970.

CANON 633

Transfer of Any Religious Woman to the Discalced Carmelites (S. C. Rel. et S. I., 3 May, 1971) Private.

The following was addressed to the Superior General of the Discalccd Carmelites.

This Sacred Congregation has attentively considered your petition regarding religious women with either temporary or perpetual vows who, being of other congregations, ask to be received into the monasteries of the Discalced Carmelites.

After mature deliberation, the Sacred Congregation for Religious and for Secular Institutes has decided the following for all the convents of Discalced Carmelites in cases of transfer from other institutes.

1. For those who have pronounced perpetual vows, including solemn vows, once they have completed the novitiate, they may make profession only after two years have passed.

The superiors of the other institute should be clearly informed of this situation.

2. A deliberative vote of the chapter for solemn profession can be demanded, notwithstanding the prescription in canon 575, §2.

(Private) S. C. Rel. et S. I., reply, 3 May, 1971, Prot. N. 22669/71 ; répond in *Vida Religiosa,* 31 (1971),401.

After receipt of the above reply, the superior General issued this

DECLARATION

In communicating the rescript of the S. Congregation for Religious and for Secular Institutes to all the convents of our nuns, we declare that, as appears from number 1 of the rescript, the mind of the Sacred Congregation is that religious women with perpetual vows who pass to our convents from other institutes, are obliged, before their admission to solemn profession, to complete three years of probation beginning with the novitiate.

This period of time can be extended by superiors but not for more than six months in accordance with the norm of canon 571, §2.

Superiors can likewise determine, and it will oftentimes be advisable, that those religious women, before beginning the novitiate, live in the monastery for a definite period of time, but not for more than six months, so that they will be able to experience the life of our religious women.

– Reported in *Vida Religiosa,* 31 (1971),402.

CANON 637

Sick Religious: Exclusion from renewal of vows and from perpetual profession. *See* c. 595; S. C. Rel. et S. I., 8 Dec., 1970, sect. II.

CANON 638

Dispensation from Perpetual Vows: New Policy (S. C. Rel., 1968) Private.

The following "New Policy of the Sacred Congregation for Religious on Dispensation from Perpetual Vows" was issued by the Rev. Edward I.. Heston, C.S.C., Procurator General of the Congregation of the Holy Cross under date of 30 May, 1968.

In view of the steadily increasing number of requests for dispensation from perpetual vows, the Sacred Congregation for Religious has

deemed it necessary to formulate a policy of greater severity in evaluating the reasons advanced in support of such requests. Previously, requests for dispensations based only on generic motivation, such as inability to bear the burden of the religious life were granted, provided the superior general approved. The impression was thus sometimes created that the granting of dispensations was a matter of only push-button routine, with consequent detriment to the sorely needed sense of the sacredness of the commitment entailed by public profession in the Church of the evangelical counsels. Not infrequently, the Sacred Congregation for Religious has been criticized for excessive leniency which it was felt tended to increase the number of such requests.

Now, however, the Sacred Congregation asks that the following points be given most careful attention:

1. Petitions for dispensation from perpetual vows should be addressed to His Holiness (Most Holy Father:.....). A simple letter addressed to the superior general asking that the dispensation be obtained is not sufficient. It is hoped that the realization that the dispensation must be asked of the Vicar of Christ will serve also to impress on the petitioner the gravity of the step being contemplated.

2. The superior general, with the assistance of the provincial and the interested local superior, should collect all the necessary papers and see to the prompt forwarding of the same to the Sacred Congregation. Petitions sent directly to the Sacred Congregation by the interested party only cause needless loss of time, since no action will be taken until they have been referred back to the superior general by the Sacred Congregation for comment and eventual approval.

3. Each petitioner should set forth in *brief* but *concrete* detail the *actual* reasons motivating the request. If the petitioner so desires, these reasons may be presented in a sealed envelope addressed to the Sacred Congregation for Religious, which the competent superior will forward faithfully to Rome along with the other needed documents.

4. Vague "reasons" are not acceptable: e.g., "I no longer wish to remain in the religious life"; "I am not happy in community life"; "I find that I cannot live under any structures imposed on me from the outside." Such statements are mere declarations of fact, not *explanations of motives.*

5. The request should likewise indicate what means – spiritual, psychological or medical – have been used in order to resolve existing problems before recourse was had to the extreme measure of dispensation from vows.

6. A *curriculum vitae* of the petitioner should be enclosed, indicating the various employments, etc. in which the religious has been occupied, and an evaluation of his/her performance in previous apostolic activities, with special reference to success, or otherwise, in the field of community relationships.

7. The petition should be accompanied by an objective evaluation of its general background by the provincial superior, as well as by the motivated, not generic, approval of the superior general. Ordinarily, no request for dispensation will be honored by the Sacred Congregation without the explicit approval of the superior general.

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Petitions for dispensation now receive one of the following replies, according to circumstances·.

a) "The petitioner should remain in his/her holy vocation, lift his/her mind to God and, through fillial obedience to superiors, after imploring the assistance of divine grace, should endeavor to resolve the difficulties of the religious life." — This formula indicates that the Sacred Congregation either does not regard the reasons given as sufficient to warrant a dispensation or else considers the petitioner's reasoning from them as deficient. In order to secure more positive action, more convincing reasons will have to be submitted.

b) "As presented, the granting of the petition is not expedient. The petitioner, however, is granted an induit of exclaustration for one year, conformably to canon 639 of the Code of Canon Law." — This reply is used, e.g., when the petition is motivated by danger of psyche depression, difficulties in human relationships, especially with particular superiors, and/or other difficulties which might presumably find a happy solution in a change of milieu, etc.

c) "In view of the attitude of the petitioner, he/she is dispensed from the vows of religion and the institute is under no further obligation, without prejudice to the prescriptions of canon 643, §2. The dispensation will take effect as of the day it is communicated to the interested party." This formula is used when the request for dispensation has been accompanied by bitter recriminations against the institute or against superiors to the point where it is evidently in the best interest of the congregation that the religious in question be separated from the community. It will be noted that in this case the dispensation is imposed and no acceptance by the petitioner is required.

d) "The dispensation is granted as requested." – This means that the reasons submitted and the attendant circumstances have been deemed to be of sufficient gravity to warrant the desired release from vows.

The Sacred Congregation hopes that his policy of greater strictness will bring not a few religious to second thoughts on the seriousness of requesting a dispensation from perpetual vows and may help to forestall discouragement in the first difficulties of religious life by making it clear that problems can often be solved without recourse to the finality of a dispensation from vows.

(Private); S. C. Rel. Norms, 1968.

Secularization: Faculty to grant, to temporarily professed. *See* c. 66, S. C Rel. et S. !.. 27 Nov., 1969.

CANON 640

Reduction to the Lay State (S. C. Doct. Fid., 31 July, 1972) Private.

The following was addressed to the president of the Union of Superiors General.

The Holy Father, under date of 26 June, 1972, has approved a new document directed to Ordinaries and to Superiors General of religious orders to clarify sonic questions set forth by this S. Congregation regarding the application of the *Norms* issued on 13 January, 1971[1] for processing cases of reduction to the lay state.

In transmitting this document to the said venerable Union of Superiors General, this Sacred Congregation requests Your Paternity to see that copies reach all the religious Ordinaries so that they may-be able to put into effect what has been provided by the Holy See.

(Private); S. C. Doct. Fid., notice, 31 July, 1972, Prot. N. 128/61, reported in Com. *pro Rel.,* 53 (1972),261.

CANON 642

Prohibitions: Laicized priests, teaching function in theological institutes. See c. 214; S. C. Doct. Fid., 13 Jan., 1971. η. VI. 4; 26 Jan., 1972, η. V.

Suspension of, in this canon. *See* c. 516; S. C. Rel. et S. I., 2 Feb., 1972, n. 2.

[1] Both documents reported above under canon 214.

CANON 643

Charitable Subsidy (Sig. Apost., 6 July, 1971) Private.

Case. Maria, a religious with perpetual vows in a diocesan-law congregation, was dismissed from her religious institute according to law by the local Ordinary. Against this act she lawfully interposed recourse to the S. Congregation for Religious and for Secular Institutes but the recourse was rejected. However, because it seemed to her that the sum of 1,500,000 Italian lire set by the Ordinary as the charitable subsidy mentioned in canon 643, §2, was altogether insufficient, she addressed a petition to the Roman Pontiff that there be established "a life annuity in her favor of 70,000 lire per month" or that she be given "one sole sum of 12,000,000 lire whose payment she agrees to at the legal rate of 50,000 lire per month." She expressly declared that "she does not request the revocation of the decree of dismissal because she is terrified to re-enter her congregation where she would be an object of persecution." This kind of recourse was transmitted to the Apostolic Signatura "for competent examination" which made the interim provision "that the pension urgently requested by the party making recourse must be paid but, however, in the limited amount of 60,000 Italian lire and until the definition of the present case."

The Law and the Facts. Since the party making recourse has expressly declared that she does not wish to be admitted again into the congregation from which she was dismissed, the only question to be defined resolves around the subsidy to be given her, and the Apostolic Signatura earnestly asked the local Ordinary to use diligent care to obtain a peaceful solution to this controversy, but "safeguarding the legitimate interests of the defendant who is not to be subjected to too great a burden but at the same time the indispensable needs of the party making recourse must be met within the limits of the civil-law norms of social security in analogous cases." The Apostolic Signatura likewise wrote the same to the Ordinary of the place where the party making recourse has her residence and added: "Please bear in mind that an excessive condescension towards the party making recourse, besides injuring the interests of the other party, could bring harm to the discipline of the institute." However, the local Ordinary, after long delays, simply transmitted to this Supreme Tribunal a letter of the party making recourse in which it is said: "I propose that the institute pay the sum of 70,000 lire per month (the sum of 60,000 lire is absolutely insuf-

ficient for living) until I am eligible for a pension. When the pension shall have been paid to me, the institute – for the whole rest *of my* life – will pay the difference between the 70,000 lire and the sum that I shall receive under the title of pension. This my request is based precisely on canon 643, understood in its just worth, on natural law, on the constitution, *Gaudium et spes,* η. 26 of [Vatican] Council II."

Consequently it must be accurately determined to what payment a religious institute of women is truly and properly obliged for a given member who leaves the institute or is dismissed from it.

First of all, it is altogether certain that, in the instance, the religious institute is not bound by any obligation out of justice. That is clearly evident both from the prescription of canon 643, §1: "Those who, when the time of their temporary vows has been completed or when they have obtained an induit of secularization, leave the religious institute or have been dismissed from the same, cannot seek anything because of any service rendered the religious institute," and also from the prescription of canon 580, §2: "Whatever any religious acquires by his own industry or in view of his religious institute, he acquires for the religious institute."

Moreover, the said plaintiff, before she was admitted into the religious institute, with her own hand signed a document in which it is noted in quite bold letters: "She who leaves the institute of her own free will or with permission, has no right to any compensation for any work rendered it."

That the religious institute is bound by an obligation out of charity in the instance is explicitly enunciated in canon 643, §2 where the measure or quantity of the subsidy to be given is determined as well as the time for which it is to be supplied: "If a religious woman shall have been received without a dowry and cannot provide for herself out of her own goods, the religious institute must, out of charity, give her what is required so that she may return home in a safe and suitable way and provide that, with observance of natural equity, she may be able to live uprightly for a period of time to be determined by mutual agreement or, in a case of disagreement, by the Ordinary of the place." Therefore, it does not include that the religious institute, even only out of charity, is held by an obligation to provide that the dismissed religious may be able to live comfortably or that for the whole span of her life – or for a long or indefinite time – she may have what is necessary for becoming living. Nor is it to be thought otherwise even when there is

question of a dismissed religious woman who is already advanced in age and is lacking strength and is incapable of working. Wherefore, in the book entitled: *// Diritto dei Religiosi,* published at Rome in 1961 by the outstanding authors, Tabera-Antonana-Escudero, it is learnedly taught: "This subsidy has a temporary character, and is not to have the character of a life pension, even if the religious woman becomes infirm or grows old. In such a case, the secularized person will have to accept with resignation internment in some appropriate institution" (n. 396, letter c, p. 537). There are many charity institutions of this kind, public and private, lay and religious. Furthermore, there arc many diocesan or parochial offices for helping the poor, the aged, the sick.

In the case in question, Maria, formerly a religious, has received a charitable subsidy of 1,500,000 Italian lire and, moreover, the religious institute has paid for her the sum of 1,629,800 Italian lire, computing together all which it has spent from 7 July, 1968 to 7 March, 1970 for her dwelling, her food, her health, her clothes, etc. Furthermore, the religious institute gave her the sum of 540,000 Italian lire, computing together the allotments which it paid for the urgent monthly pension granted her by the Apostolic Signatura. Wherefore, the religious institute, as from the start, has expended for her the really giant sum of 3,669,800 Italian lire and there is no doubt that the charity and equity mentioned in canon 643, §2, were more than amply observed if the religious institute were to pay her a monthly pension of 60,000 Italian lire only to the end of the current year, 1971.

Decision. In the session of 6 July, 1971, held in the presence of His Eminence, the Cardinal Prefect, when the recourse interposed by Maria, formerly a religious, was proposed for her to obtain from the religious institute from which she was dismissed, a monthly life-pension of 70,000 Italian lire or one sole sum of 12,000,000 Italian lire, it was decreed: *The recourse must be rejected; however, the monthly pension of 60,000 Italian lire which was allotted the plaintiff by the decree of 31 August, 1970, must be continued in favor of the plaintiff until the 31st day of December, 1971.*

(Private); Sig. Apost.. decision, 6 July, 1971; reported in *Apollinaris.* 44 (1971), 625-627; *Com. pro Rel.,* 52 (1972),181 -183.

CANON 654

Dismissal Procedure for Solemnly Professed (S. C. Rel. et S. I., 25 Nov., 1969) Private.

The following was addressed to the Minister General of the Order of Friars Minor.

This Sacred Congregation has subjected to attentive and studious examination the text regarding the mode of procedure to be followed in the dismissal of religious in solemn vows which was edited and approved by the general chapter of your institute.

After having naturcly weighed everything, this Sacred Department, since it has ascertained that this new legislation, which totally emends the preceding legislation, leaves intact the legitimate rights of the accused, approves and confirms the proposed text by way of experiment for a ten-ycar period, all contrary prescriptions of canon law notwithstanding.

MODE OF PROCEDURE IN DISMISSAL OF RELIGIOUS IN SOLEMN VOWS

ART. 1

§1. A solemnly professed friar must be considered as automatically dismissed because of the delicts for which dismissal is established by common law. In addition, apostates from religious life must be considered as legitimately dismissed if they, after a twofold invitation has been extended by the major superior, at the end of three months from the date on which they left the Order without due permission have not returned, or have refused to answer, or have declared that they will not return.

§2. In the above-mentioned cases, if there shall be certain proof of the facts which arc reason for dismissal, it suffices that the major superior with his definitors make a declaration of the fact; however, he is to take care that notice of this declaration is given to the dismissed friar and that the collected evidence is preserved in the province archives.

This notice together with a summary of the evidence must be transmitted to the general curia.

Art. 2

Without prejudice to the prescription of article 1, a solemnly professed friar cannot be dismissed except by institution of a process in accord with the norms of the following articles.

Art. 3

§3. The major superior together with his board of definitors, which is to be composed of at least four friars, is competent to issue a decree of dismissal; if any are missing, the superior shall elect a like number of friars to take their place but with the consent of the others who with him constitute rhe required committee.

§2. With the consent of his board of definitors, the major superior can entrust the faculty of dismissal to a committee which should be composed of at least three upright and prudent friars. This kind of committee can be set up either on a standing basis or for only individual cases, according as it seems more expedient to the major superior in conjunction with his board of definitors. The chairman of the committee should designate one of the members of the said committee as reporter whose responsibility it is to summon and to hear the witnesses, to report on all matters which take place in the committee meetings, and to draw up the decree in writing.

§3. The ministers provincial of two or more provinces, with the consent of their respective board of definitors, can constitute regional committees to process and define dismissal cases of friars of the said provinces.

§4. In the following articles, by the term committee are understood both the major superior with his board of definitors and the committees mentioned in the preceding paragraphs.

Art. 4

§1. In the dismissal process, it is required that a promoter of justice intervene. He is to be named by the committee chairman mentioned in art. 3 and is to collect the evidence, exhibit the documents, bring in witnesses, carry out what investigations of the accused he judges appropriate, and propose the petition for dismissal.

§2. In addition to the promoter of justice, the committee chairman must name a notary whose responsibility it is to assist in the examination of the witnesses, and to write up the acta. He is to be present at the committee meetings, record the committee's acts and decisions in writing, and sign them.

§3. The friar whose dismissal is being considered, can choose for himself a defender or advocate and use his service for his own defense. The committee chairman can, but is not obliged to, name a defender if the accused does not want to choose one.

Art. 5

With the exception of the case of serious external scandal or of very serious imminent harm to the community because of the action of the friar, a decree of dismissal cannot be issued unless the following have preceded it:

1.serious external offenses against the common law or the particular law of religious, or other morally imputable and habitual violations of the disciplinary law of religious, even though not penal.

2. admonitions.

3. failure to amend.

Art. 6

§1. I here must be at least three offenses of the same species, or, if they are of different species, of such a nature that when taken together, they manifest the perversity of a will bent on evil, or only one continuous offense which, from repeated admonitions, has virtually become threefold.

§2. If there is question of violations of the disciplinary law, they must be habitual and of such nature that they manifest a lack of will to lead the religious life correctly and, as a result, serious harm mav be brought upon the community.

Art. 7

§1 io justify an admonition, it is necessary that the offense be notorious and, respectively, that the habitual violations of the disciplinary law be notorious, or that it be manifest either from the confession of the accused or from other sufficient proofs furnished by previous investigation.

§2. In making the investigation, which must be done by a friar who is not part of the committee, the norms of common law must be observed.

Art. 8.

§1. The admonitions must be given by the immediate major superior himself or by another acting on his mandate. Admonitions are not to be resorted to unless there first is evidence of the facts in accord with art. 7.

§2. There must be two admonitions, namely: one for each of the first two offenses; but in the case of continuous offenses or of habitual violations of disciplinary law, it is necessary that an interval of at least three full days elapse between the first and the second admonition.

§3. The superior must add to the admonitions opportune exhortations and corrections; moreover, he is obliged to remove the accused from the occasion of relapse, even to the extent of transferring him, if necessary, to another house where the vigilance will be easier and the occasion of relapse more remote. To each admonition must always be added the threat of dismissal.

§4. In the case of serious external scandal or of very serious imminent harm to the community from the action of the friar, the admonitions arc not necessary in order to proceed to the remaining steps.

Art. 9

§1. The decree of dismissal cannot be issued until there is evidence from the proofs, presented in accord with the prescriptions of the following articles, of the offenses or of the habitual violations mentioned in art. 6, §2, and, except for the cases referred to in art. 8, §4, of the twofold admonition, and finally, of the failure to amend.

§2. The friar is considered not to have amended if, after the second admonition, he commits a new offense or perseveres in the old one, if there is question of habitual violations of disciplinary' law, if he still continues to live his life in the same pattern as before. Nevertheless, no further step is to be taken until at least six days have elapsed since the last admonition.

Art. 10

After the admonitions and corrections have turned out fruitless, the major superior should turn over to the promoter of justice all the

acta and documents of the previous investigation and admonitions and all other things pertinent to the case. The promoter of justice is to examine them and carry out any further investigations he judges opportune, and set forth the accusation together with a petition for dismissal before the committee.

Art. 11

§1. It is the task of the promoter of justice to set forth before the committee the proofs from which evidence must be had of the offenses or of the habitual violations, of the twofold admonition, and of the failure to amend. These proofs must be derived either from the documents, or from the deposition of the accused who is to be dismissed, or from the declarations by the witnesses. Relative to the interrogations of the witnesses, the promoter of justice must show to the committee the topics or articles of evidence on which the witnesses will have to be interrogated.

§2. For the definitive dismissal of a friar who has been already returned to the world according to law in a case of serious external scandal or of very serious imminent harm to the community, proof must be had that the friar caused the serious external scandal or the very' serious imminent harm to the community.

§3. In order to search out the truth, the friar whose dismissal is in question must be heard and he must be given full liberty to respond, to defend himself, to impugn the evidence brought against him, to exhibit documents for his defense, as well as to bring in witnesses for his side of the case. To this purpose, all the evidences collected against him must be shown to him so that he may be able to respond to them or to impugn them.

Art. 12

After everything which pertains to the adducing of evidence has been completed and when the promoter of justice and the accused friar have declared that they have nothing further to bring forward, the promoter of justice reduces his conclusions to writing and presents them to the committee. The committee chairman should then turn over to the accused friar the aforesaid conclusions and give him a suitable amount of time so that he can impugn them and show his defense. If the accused shall not have wished to use this right or if the time allowed him has elapsed without use, further steps should be taken.

Art. 13

§1. When all the matters set down in the preceding article have been completed, the individual members of the committee should examine all the evidence so that each can form his own judgment.

§2. In order to declare their own judgment, the members of the committee must acquire for themselves moral certainty regarding the matter to be defined. This moral certainty must be drawn from the acts and the evidence. In passing this judgment, attention must be given not only to the offenses or to the habitual violations of disciplinary law considered in themselves but also to the other circumstances such as the harm for the community, imputability, the scandal caused, as well as the circumstances which aggravate or diminish imputability.

Art. 14

§1. On the day stipulated by the committee chairman, the individual members of the committee meet and bring in their own written conclusions on the merits of the case as well as the reasons which led them to their judgment.Then the conclusions of the individual members are set forth and a moderate discussion is had in which, however, each member has the right to withdraw from his original conclusion. Finally, a decision is arrived at by a majority of the votes.

§2. After the decision has been announced, the reporter draws up a decree in which must be expressed the names of the committee members, the promoter of justice, and the accused friar, and, if so warranted, his defender. There then follows the dispositive part and the reasons on which the decision is based. The decree is closed with the indication of the date and place of its formulation and is signed by the members of the committee and the notary.

§3. I he decree, drawn up and signed in the prescribed form, must be made known to the accused friar and to the promoter of justice, together with a notice of the right of recourse.

Art. 15

Against the decree of dismissal the dismissed friar has the right of taking recourse within ten days, computed from the date of communication of the decree, to the minister general and his board of defimtors. I his recourse, however, must be set before the committee

which passed the decree. The same right belongs to the promoter of justice against the decree by which the accused friar is declared not guilty.

Art. 16

§1. If no recourse has been interposed within the available time, the committee chairman should take care to transmit to the S. Congregation for Religious through the procurator general of the Order the decree of dismissal together with all the acta and documents.

§2. If within the available time recourse has been instituted by the accused friar against the decree in which dismissal is stipulated, or by the promoter of justice against the decree in which the accused friar is declared not guilty, the committee chairman should take care to transmit all the acta and documents to the minister general.

§3. If the decree declares the accused friar not guilty and if the promoter of justice believes that recourse should not be made, all the acta are filed in the province archives.

Art. 17

A decree of dismissal cannot be committed to execution unless it shall have been confirmed by the S. Congregation for Religious and for Secular Institutes.

(Private); S. C. Rel. et S. I., procedural law, 25 Nov., 1969, Prot. N. 5993/68; reported in *Revista Espanola de Derecho Canonico.* 26 (1970),577-581 together with annotations on pp. 582-592 (Fernandez).

CANON 684

Catholic International Organizations Defined (Cone. Laic., 3 Dec., 1971) AAS 63-948.

The Council for the Laity issued the following "Directory concerning the norms whereby Catholic international organizations are defined."

Introduction

The *motu proprio, Catholicam Christi Ecclesiam/* by which Pope Paul VI established the Council for the Laity, assigns to it as its primary task: to promote the apostolate of the laity in various countries or, if it is already established, to arrange and consolidate it, and to insert it over more firmly into the general apostolate of the Church."

Recognized as an important aspect of the vitality of the Church today is the quality and the diversity of Catholic international organizations.

As a result, emphasis is placed on the continuous development of international institutions in the context of today's world.

Starting from these facts and recalling that "the laity exercises its multiform apostolate both in the Church and in the world" (A.A., 9), the Council for the Laity, in conformity with its mission, separates the elements which permit the determination of the criteria for a definition of Catholic international organizations in order to assure their better insertion into the general apostolate of the Church.

The Spirit and Aim of This Document

In order to arrive at the determination of these criteria, the Council has made use of several forms of data:

On one side, the existence of numerous organizations which reflect very broadly the activities of the members of the People of God.

By the definition of their aims, by their internal organization and their structures, by the length and breadth of their activities, these organizations furnish an indispensable contribution of their experience.

On the other side, the efforts already carried out in order to assure for the experience of the international organizations or movements institutional recognition on the part of the Holy See.

They are: the arrangements adopted by the Secretariat of State for approving the statutes of Catholic international organizations and some conditions placed by the Conference of the I. C. O.3 for the affiliation of the organizations to its institute.

300 Rcportcd in Canon Digest' 6' PP- 299-302; quoted section in on p.

, *2λ,Λ' – Apostohcam Actuositatem,* i.e., *Decree on the Apotolate of tbe Latly* issued by Vatican Council II.

^Catholic International Organizations.

Finally, the documents issued by Vatican Council II. Among them the *Decree on the Apostolate of the Laity (A.A.)* and the pastoral constitution, *Gaudium et Spes,* are an indispensable reference.

In order to determine the criteria of definition, several possibilities open up depending on different methods. What is the norm of choice here is the very essence of this document. Although the practical and juridical aspects must be treated, it is desirable, first of all, to treat of the apostolic and pastoral views. What is at issue is the confrontation between an expression of life at the international level, its organization, and the bond established with the mission of the Church: "to enable all men to share in its saving redemption" *(A.A.,* 2).

Here, then, within the framework of regulation, the real issue is to know the bond between life and faith and applying it to organizations or movements.

A twofold need is present.

Io take into consideration the existing reality, the experience of the past, and the new situations which present themselves to organizations and movements; this is to say, to envisage the situation with flexibility within a prospective and dynamic vision, notably in order not to prejudge the future.

To express as clearly as possible the elements of the restrictive criteria in order to allow the different movements, organizations, associations and groups to align themselves in relation to these criteria.

Actually, it is important to emphasize that this text does not take on the character of a constraining arrangement which must be applied without allowance. It leaves full liberty to the initiatives of the organizations within their statements of purpose and their aims, but it invites them to align themselves in accord with the given criteria of definition if they wish to be recognized as Catholic international organizations.

The Genuine Criteria of Definition

The observations given below should conduce to specifying the problems as regards the explanation, meaning, and dimension which it is proper to give to those terms which constitute the expression "Catholic international organization."

1. *Organization*

The word "organization" is here understood in a broad sense. It signifies the coordinated employment of the collective efforts and initiatives of persons or of institutions, prescinding from the form by which they manifest themselves in practice.

There can be question, then, according to cases and circumstances, of agencies, services, movements, federations, bodies, etc.

On this subject, it appears essential, in the midst of so many possibilities and choices among the "multiple ways of sharing in the building up of the Church, the sanctification of the world, and the giving of life to it in Christ" *(A.A.,* 16), to hold that a call is made for combined action, coordinated at the center of an organization.

Moreover, the Council recalls that this form of organized action "corresponds well to the human and Christian condition of the faithful and at the same time manifests the communion and unity of the Church in Christ" *(A.A.,* 18). In *Gaudium et Spes* (η. 90), it also states that "in our day effective action and the need for dialogue demand collective undertakings."

By what signs is it possible to verify what is really an "organization"?

a) In the first place, an organization must clearly set forth its reasons for existence, that which characterizes it, that which is its specific field.

In order that an organization may include itself within the well-ordered aggregate of endeavors and activities of Catholics on the international level, it is proper that they make clearly apparent in their aims:

-its specific character, for example, the category of persons it affects;

-its class of activity (spiritual, intellectual, charity, social work, professional, etc.);

—its reason for existence.

An explicit reference to the descriptions given by the *Decree on the Apostolate of the Laity* on the aims and fields of apostolic work places the organization in the sector of activity which it has chosen and, eventually, in its possible extensions.

b) In the second place, the organization must give evidence of its existence and of its activity with regard to the purpose and the aims detailed in its statutes or its regulations.

For this, it is important that it have a sufficiently numerous membership. The same number of adherents is not demanded of all.

Above all, there is question here of qualitative appreciation in terms of the aim pursued and not only of a quantitative appreciation. In other words, the organization must rest on a solid foundation and, in accord with its proper nature, must be supported by persons or groups of persons, by its movements, agencies, services.

It must have officers responsible for its vitality and its administration and must possess the means required for its operating needs.

It must facilitate meetings among its members, notably by holding at regular intervals meetings directed: to making a report of its activities, to deciding the orientation with regard to demands, and to proceeding to the designation of persons called upon to carry its responsibilities.

By the effort of its members, it must assume the accomplishment of its tasks and arrange a financial autonomy which can be considered as sufficient security of its independence. This does not exclude appeal for donations or for subsidies.

2. *International character*

If it is clear that the international character must be explicitly expressed in order that the organization be considered as such, it is appropriate to spell out well the conditions to which this intention must come up:

a) The international character is demonstrated. In order to be international, it is not sufficient to declare itself "international." This character supposes several concordant conditions:

The organization must:

-have members in different countries;

—foster exchanges, communications and dialogues between them,

—train its members to an international spirit and develop among them the sense of responsibility at this level;

-have a universal outlook going beyond the limitations of nations and regions, even if, by reason of circumstances, it is limited at its outset to several nations of one and the same region; this comes out notably from a general program bringing together under one or several aspects the aspirations of persons of different continents.

These conditions are necessary in order to give to the organization, which lays claim to the international character, the indispensable composition.

b) The international character calls for a joint undertaking of activities, aims, contributions of different national or regional constituents, as well as of effective participation from top to bottom

in an international perspective – all done with a view to the common good of the international organization. As a result, an addition of national entities does not suffice to create an international organization.

3. *Catholic*

In this case this term is the most important because it carries with it alone an altogether particular specificity and, in the instance, completes the definition of the organization. Actually it belongs or can belong to numerous international organizationsand implies that also in this area, the Church, independently of certain other modes of presence, manifests herself to the world as Catholic. Catholic international organizations arc one form of presence. It is fitting, then, to indicate under what conditions an international organization may carry the title "Catholic." For this, there is required:

—A precise statement of conformity to the gospel and to the teaching of the magisterium.

—A will to make itself part of the pastoral effort of the Church.

—An engrossment in the faith education of its members.

—An availability of service in such sectors as: evangelization and sanctification, Christian animation of the temporal order, charity *(A.A.,* 6, 7, 8), as well as in the social or professional millieu, the family, youth, education, media of social communication, etc. *{A.A.,* 10 and the following members).

Further, the tag, "Catholic," in relation to international organizations, calls for the following complementary specifications:

a) taking account of the "openness" of the Church in the spirit of Vatican II;'

b) drawing the inferences on the level of relations with the ecclesiastical hierarchy. **B**

As for *a):* At the present time, there is practically no Catholic international organization which does not raise questions on reports of exchanges, of collaboration with other Christians, with believers of other religions, and with non-believers.

Far from restricting this "openness," the Church (cf. *Gaudium et Spes,* nn. 89 and 90) desires its development but without any equivocation. She clearly shows this, on the institutional level, by entrusting to her competent bodies the care of directing and of following up the undertakings of Catholic and, of course, of Catholic international organizations in this area. If in certain cases these organizations can receive non-Catholic Christian persons, nay even

non-Christians, they cannot, without changing their specific character, divorce themselves from their essential relation to the Catholic Church, her doctrine and her aims.

As for *b):* As the *Decree on tbe Apostolate of tbe Laity* states precisely, "no project can claim the name "Catholic" without the consent of legitimate ecclesiastical authority" *(A.A.,* 24).

At the international level, recognition of an organization as Catholic implies approval of it by the Holy See which thus authenticates its participation in the mission of the Church and of the hierarchy and confirms its adherence to the doctrinal teaching of the Catholic Church.

On two distinct occasions *(L.G.,* 37 and *A.A., 24)* the Council has treated the question by pointing out in what climate of confidence and esteem relationships must be established with the hierarchy. Nevertheless, while properly taking into account the diversity' of aims, the Council says that "the apostolic ties of the laity with the hierarchy can be vested in different modalities in accord with the diversity of forms and aims of this apostolate" *(A.A.,* 24). It is opportune to state here that certain organizations existing on the international level were created by the direct initiative of the hierarchy or were a regrouping of institutions or bodies which the latter had been able to set up on the national level. The nature of their relationship with the authorities will often be different from that of associations promoted by the faithful.

Vatican Council II recognized that the faithful have the "right to found associations" *(A.A.,* 19). The majority of Catholic international organizations were brought into being as the result of the initiative of the faithful. By their nature they are suited to cooperate in the objectives of the pastoral ensemble and thus to find an ever greater involvement in the general apostolate of the Church without, for all that, identifying themselves with official bodies but safeguarding their own features.

The hierarchy will likewise have an eye on the "coordination of efforts" on the international level in the spirit of n. 90 of *Gaudium et Spes* and will make sure especially' that the initiatives which tend to the creation of new organizations do not duplicate others and that the existing forces are not uselessly scattered.

On their side, the organizations will maintain relationships of confidence and collaboration not only with the Holy See but also with the episcopal conferences. They will take care, especially, to obtain the prior accord of those parties for the establishment of an inter-

national or regional secretariat in their territory, and to inform them of the holding of a congress as well as of their principal activities.

Recognition by the hierarchy of the "Catholic" character of an organization permits:

—approbation of the fundamental principles and of the aims of the organization, which are usually expressed in its statutes, as well as of their substantial modifications;

—approval of candidatures for the presidency;

—nomination of chaplains or ecclesiastical assistants.

It is evident that the Catholic character of an international organization will also be guaranteed by the fact that its officers will always be Catholics. These latter, moreover, having been placed on a level where the Church finds herself strictly engaged, will take care to maintain the necessary reserve vis-a-vis every assumption of public position and activity on the political or trade-union plane; their restraint in this area will be the most recommended attitude during the exercise of their mandate (cf. Apostolic Letter *Octogesima Adveniens,* 50).4

If habitually no difficulty is anticipated but that "the legitimate authority," in the instance, the Secretariat of State, will give his consent to several names with a view to an election or nomination to the presidency of an organization and will select a chaplain or ecclesiastical assistant from among the persons who can be presented to him, it is possible that in certain circumstances some questions may arise. These questions will find their answer far better if habitual dialogue will have been inaugurated between the organization and the ecclesiastical authority. Besides, this dialogue will permit the greatest compliance in the execution of the norms concerning the nomination of persons or the approval of candidatures.

Permanent Record of Enrollment

"In the Church there is diversity of ministries but unity of mission" *(A.A.,* 2). On the international level, this means that, while leaving to its members full liberty of their initiatives and while respecting its exercise, the Church, through the voice of the Holy See, reserves to herself the right to recognize as linked to her mission and to her aim the organizations or movements which judge it opportune to request this recognition from her.

4/VIS. 63 (1971).439.

With a view to constituting an exact and current tabulation of Catholic organizations active on the international level, the Council for the Laity has been charged to open a permanent record of enrollment of these organizations, that is to say, of bodies, agencies, services, associations or movements having a Catholic international calling. This arrangement will allow existing organizations to enrol by sending in their updated statutes drawn up in terms of the criteria of definition, and new organizations to make themselves known and recognized.

Every group which goes beyond the boundaries of a nation and which is constituted with a view to some international activity and which has or does not have the intention of becoming a Catholic international organization, is invited to list itself on this record in order to establish a bond with the Holy See.

At the time of their enrollment, the organizations specify for themselves their aims, their objectives, as well as the character they attribute to themselves, lay or mixed, so as to clarify the role of the Council for the Laity in their regard.

The enrollment of an organization as a Catholic international organization becomes definitive after recognition of conformity of the organization or movement with the criteria given above and after approbation of its statutes by the Holy See.

Within this framework, the relationships of Catholic international organizations both with the Secretariat of State and with the Council for the Laity constitute the principal form of their relationships with the Holy See, without thereby restricting those which desire to establish relations with others by reason of their particular objectives.

Starting from the positive elements emanating from a detailed knowledge of the existence and the aims of Catholic international organizations, the Council for the Laity will make firm its specific role in the service of the Church and of the organizations by developing a constant dialogue between them and the Holy See and by assisting them to involve themselves more in the mission of the entire Church.

However, it goes without saying that, as in the past, the organizations will always find in the Secretariat of State an available interlocutor; it is the Secretariat, especially, which has the competence to appraise, in the last resort, whoever in the activity of the total Catholic body involves the Church on the international level.

Conclusion

It is in a perspective of dialogue and in a spirit of communion that the structure of this directory document concerning the criteria of definition of Catholic International Organizations has been written. This document specifies them and brings them together by drawing inspiration from the conciliar texts and from the experience of long years of existence of diverse forms of organized Catholic living on the international level. It expresses a reality which is profoundly ecclesial and pastoral. It makes evident the privileged spiritual bonds which unite the different organizations to the Church and to the pope by their conferring the seal of authenticity on their participation in the general apostolate of the Church.

3 December, 1971.

AAS 63-948; Cone. Laic., directory, 3 Dec., 1971.

Note: The following "schematic record added to the statutes of Catholic International Organizations" was not published in *AAS* but was sent out by the Secretariat of State to all such organizations.

Article 1

a) The Holy See recognizes..... as a Catholic International Organization, after prior approval of its statutes, conceding that these are found in conformance with the directives of the document of the Holy See regarding the criteria of definition of Catholic International Organizations.

b) Modification of the statutes or suspension of their application, in whole or in pan, will be submitted for the approval of the Holy See.

Article 2

.....will inform the Secretariat of State, at least three months prior to the date set for elections, of the names and the circumstances of the persons susceptible of being elected to the presidency of the association. The Holy See will inform the organization at an opportune time of the names of the persons to whom it is ready to give its assent ("nihil obstat").

Article 3

a) The ecclesiastical assistant of..... will be appointed by the Holy See for a period of . . . years.

b) For this function,..... will make known to the Secretariat of State, at least three months before the expiration of a mandate, the names of ecclesiastics from among whom the Holy Sec may be able to select.

Article 4

.....binds itself to take into account the directives contained in the document of the Holy See relative to the criteria of definition of Catholic International Organizations.

Article 5

.....will maintain regular contact with the Secretariat of State, the Pontifical Commission for Social Communication, and the Council for the Laity.

As a Catholic International Organization recognized by the Holy See..... has been listed as such in the register of Catholic International Organizations opened by the Council for the Laity.

(Private); Sec. St., formula, undated; reported in *Rev. Espan, de Der. Canon.,* 28 (1972).649-65O. Annotations in *Rev. Espan, de Der. Canon.,* 28 (1972),650-656 (Iribarren).

Apostleship of Prayer: New statutes approved, Sec. St., 27 March, 1968, Prot. N. 115475; reported by Ochoa in *Leges Ecclesiae,* vol. 3, n. 3641.

Associations of the Faithful: Competency of the Curia over, *See* c. 242; Sig. Apost., Nov., 1968.

Federation of Catholic Universities: Paul VI, allocution to delegates of, at convention in Rome, 6 May, 1971 (AAS 63-459).

International Catechetical Congress: Paul VI, allocution to, pointing out that teaching of truths of faith is task of total Christian community and the ministry of the word is at the very center of the Church's daily apostolic activity, 25 Sept., 1971 (AAS 63-758)—English version in *T.P.S.,* 16 (1971),206-210.

Pax Romana: Account by its general secretariat of its evolutions and development as it celebrates its 50th anniversary, Sept., 1970; reported in *Catb. Mind,* 69 (June, 1971), 45-52.

Paul VI, allocution to members assembled at Friburg, Switzerland, from all over the world to celebrate the 50th anniversary of the foundation of the association, 21 July, 1971, (AAS 63-687)—English version in *T.P.S.,* 16 (1971),170-171.

Rotary Club: Paul VI, allocution to international assembly of, at Rome, 14 Nov., 1970, stressing efforts to be made for peace and understanding; partly Italian, French, English and German (/\AS 62-827).

Social Doctrine: *Rerum Novarum* Paul VI, ap. letter to Cardinal Roy, president of the Council for the Laity and of the Commission *lustitita et Pax,* on the 80th anniversary of the encyclical, 14 May, 1971 (AAS 63-401)—English version in *T,P,S.,* 16 (1971), 137-164. Paul VI, homily on occasion of celebration of the 80th anniversary of the encyclical in the Vatican basilica, 16 May, 1971 (AAS 63-456)-English version in *Catb. Mind,* 69 (Nov. 1971),37-58 with commentary on pp. 58-64 (Higgins); *T.P.S.,* 16 (1971), 165-168.

World Federation of Christian Life Communities: Paul VI, allocution to, 15 Jan., 1972 (AAS 64-192).

CANON 685

Opus Dei: Nature, history, activities. See *Catb. Mind,* 68 (Jan., 1970),33-40 (Echevarria).

CANON 686

Parish Council: Guidelines for the establishment of, issued by the Pastoral Clergy Seminar for North India, 19-25 Aug., 1971, reported in *Clergy Monthly,* 35 (1971),440-442.

Sample basic bylaws for; reported in *Jurist,* 28 (1968),352-361.

CANON 697

Contract Buyers League of Chicago: Statement issued by, on 27 Dec., 1969, to 3-judge panel of Federal District Court, questioning possibility for black people to get justice through judicial system; also statement by the Jesuit Conference of Major Superiors of United States pledging financial support of C. B. L. C.; both statements reported in *Cath. Mind.,* 68 (March. 1970),54-58.

Golconda Movement: "Golconda Declaration" issued 13 Dec., 1968, by group of 50 priests of Colombia on the nco-colonialism government of that country. Eng. version in *Cath. Mind.,* 68 (March, 1970),48-53.

CANON 702

Tcrtiaries: Franciscan, Secular: Paul VI, allocution to international assembly of, on occasion of 750th anniversary of the rule for, given by St. Francis of Assisi, stressing Franciscan poverty, love of the cross, and loyalty to the Church, 19 May. 1971 (mostly in Italian with very brief summary in French and English at end, AAS 63-543)—English version of the Italian in *T.P.S.,* 16 (1971),177-180.

CANON 707

Christian Life Communities: General principles and statutes of the World Federation of, formerly called the Sodalities of Our Lady, approved, Sec. St., 25 March, 1968, Prot. N. 106352; reported by Ochoa in *Leges Ecclesiae,* vol. 3, n. 3637.

Pious Union: First step towards establishing new form of contemplative life. *See* c. 600; S. C. Rel. et S. I., 13 June, 1970, under *c).*

Sodalities of Our Lady: Name changed to Christian Life Communities; *see above.*

BOOK III

THINGS

Canons 726 - 1551

CANON 731

Admission of Non-Catholic Christians to Holy Communion (Sec. Christ. Unit., 1 June, 1972) AAS 64-518.

Following is the "instruction *In quibus rerum circumstantiis* regarding special cases of admitting other Christians to Eucharistic Communion in the Catholic Church" issued by the Secretariat for Christian Unity.

1. The Question

In what circumstances and under which conditions may members of other Churches or ecclesial communities be admitted to Eucharistic Communion in the Catholic Church? This question is often put to us.

This question is not totally new. For the Second Vatican Ecumenical Council (in its *Decree on Ecumenism)* and the *Ecumenical Directory* have already treated the matter.[1]

[1] *Deer. on Ecum.,* n. 8: "On the other hand, participation in divine worship *(communicatio in sacris)* may not be considered a means to be used indiscriminately for the restoration of Christian unity. Such participation depends on two basic principles especially: the expression of the unity of the Church, and the sharing in the means of grace. The expression of unity very often forbids participation but the grace to be sought sometimes recommends it. The concrete course of action, unless otherwise established by the bishops' conference according to the norms of its own statutes or by the Holy See, should be prudently decided by local episcopal authority after due consideration of all the circumstances of time, place, and persons." Cf. also *Deer on Orient. Catb. Ch.,* n. 27. Both references reported in *Canon Law Digest,* 6, pp. 696 and 17 respectively.

Directory for Implementing the Decrees Promulgated by the Second Vatican Council (^Ecumenical Directory, in *AAS* 59 [1967],574-592; =Part I, reported in *Canon Law Digest. 6,* pp. 716-734):

1. *Sharing in Liturgical Worship With Our Separated Oriental Brothers*

Besides cases of necessity, there would-be just cause for encouraging the sharing of each other's sacraments if special circumstances make it materially or morally impossible over a long period for one of the faithful to receive the sacraments in his own Church, so that in effect he would be deprived without legitimate reason of the spiritual fruit of the sacraments, (n. 44).

2. *Sharing in Liturgical Worship With Other Separated Brethren.*

Celebration of the sacraments is an action of the celebrating community, carried out within the community, signifying the oneness in faith, worship and life of the community. Where this unity of sacramental faith is deficient, the

The pastoral norms, which are here set forth, are in nowise intended to change those presently obtaining but only to explain them by elucidating the doctrinal principles from which they flow so that their execution may be rendered easier.

2. The Eucharist and the Mystery of the Church

A close link exists between the mystery of the Church and the mystery of the Eucharist.

λ) The Eucharist really contains that which is the foundation of the very existence and unity of the Church: the Body of Christ as a sacrifice offered and given to the faithful as the Bread of eternal life. The sacrament of the Body and Blood of Christ given to the Church as she is constituted, of its very nature carries with it:

—the ministerial power conferred by Christ on His apostles and their successors, the bishops together with the priests, to carry out sacramentally His own priestly act whereby He Himself once forever offered Himself to the Father in the Holy Spirit and gave Himself to the faithful so that they might be one in Him;

—the unity of this ministry which must be exercised in the name of Christ, the head of the Church, and, as a consequence, in a hierarchical communion of the ministers;

—the faith of the Church which the Church in the Eucharistic action professes and through which responds in the Holy Spirit to Christ's gift as it really is.

participation of the separated brethren with Catholics, especially in the sacraments of the Eucharist, Penance and Anointing of the Sick, is forbidden. Nevertheless, since the sacraments are both signs of unity and sources of grace (see *Decree on Ecumenism,* n. 8), the Church can for adequate reasons allow access to these sacraments to a separated brother. This may be perm ctcd in danger of death or in urgent need (during persecution, in prisons) if the separated brother has no access to a minister of his own communion, and spontaneously asks a Catholic priest for the sacraments so long as he declares a faith in these sacraments in harmony with that of the Church, and is rightly disposed. In other cases the judge of this urgent necessity must be the diocesan bishop or the episcopal conference. A Catholic in similar circumstances may not ask for these sacraments except from a minister who has validly received the sacrament of Orders, (n. 55).

Cf. also *A Declaration of the Secretariat for Christian Unity on the position of the Catholic Church on the matter of common Eucharist between Christians of different confessions* in *O. R ,* 12-13 January, 1970 (in AAS, 62 [1970], 184-188; reported in this volume of *Canon Law Digest* under canon 1258).

The sacrament of the Eucharist, integrally understood with these three elements, signifies the real unity effected through Him, the unity of the visible Church of Christ, which cannot be lost.2

b) "The celebration of Mass, as the action of Christ and of the People of God hierarchically arranged, is the center of all Christian life for both the universal and the local Church and for the individual member of the faithful."3 In the sacrifice of the Mass the Church, by celebrating the mystery of Christ, celebrates the mystery of her very self and concretely manifests her unity.

Christ's faithful assembled at the altar offer the sacrifice through the hands of the priest who acts in the name of Christ and they represent the community of the People of God united in the profession of one faith. In this way they stand out as a sign and as a delegation of some more ample presence.

The celebration of Mass in itself is already a profession of faith in which the whole Church recognizes and expresses herself. If consideration is given to the wonderful significance of the eucharistie prayers and to the riches contained also in the other parts of the Mass, both those which are set and those which vary according to cycle of the liturgical year, and if attention is given to the fact that the liturgy of the word and the Eucharistic liturgy' constitute one unique act of worship,4 it will be easily seen here that nothing is truer than the principle that "the law of prayer is the law of belief."5 Thus the Mass has a catechetical force which the recent liturgical renewal deservedly recognizes and extols. For the rest, the Church, through the course of the centuries, has carefully taken care to introduce into the celebration of the liturgy the more important themes of the common faith and its better fruits which have been acquired through experience. This she has done with the help of new texts or by the creation of new liturgical feasts.

c) The relationship between the local celebration of the Eucharist and the universal ccclesial communion is also brought out by the special mention which is made in the eucharistie prayers of the pope, the k :al bishop and the rest of the bishops who belong to the episcopal college.

2*Dog. Const, on the Church,* n. 3; *Deer. on Ecum.,* n. 4.
3Gen. *Instr, of the Rom. Mtssal,* chap. 1, n. 1.
4Cf. *Deer, on Priestly Min.,* n. 4.
5Cf. Pius XI, encyc. *Quas primas,* 28 Dec., 1925: AAS, 17 (1925),598; Vat. Coun. II; *Deer, on Priestly Min.,* n. 5; *Const, on Sac. Lit.,* nn. 2, 6.

What has here been asserted about the Eucharist as the center and summit of the whole Christian life applies of course also to the whole Church and to each of her members but in a special way to those who take active part in the celebration of Mass and most of all to those who partake of the Body of Christ in it. Eucharistic Communion in the celebration of Mass is really the most perfect manner *of* participating in the Eucharist since this is fulfilling the words of the Lord: "Take and eat."[6]

3. The Eucharist as Spiritual Food

An effect of the Eucharist is also to nourish spiritually those who receive It as It truly is according to the faith of the Church: the Body and Blood of the Lord, given as food for eternal life (cf. *Jn.* 6:54-58). For the baptized the Eucharist is spiritual food whereby they live the life of Christ Himself, are more deeply incorporated into Him, and are more intensely made partakers in the whole mystery of the economy of salvation. "He who eats my flesh and drinks my blood abides in me and I in him." (Jn. 6:56).

a) The Eucharist, therefore, inasmuch as it is the sacrament of fuller union with Christ[7] and of the perfection of the spiritual life, is necessary for every believer according to the words of the Lord: "Unless you eat the flesh of the Son of Man and drink his blood, you shall not have life in you" *(Jn.* 6:53). Those who live the life of grace more intensely, feel a compelling need of this spiritual food. Moreover, the Church herself recommends daily reception of the Eucharist.

6,'Morc perfect participation in the Mass" *(Const, on Sac. Lit.,* n. 55). Cf. *Instr, on Eucharistic Worship,* issued on 25 May, 1967, n. 12 *(AAS,* 59 [1967], 549; reported in *Canon Law Digest, 6,* pp. 526-527).

It is not sufficient to have received one and the same baptism in order to have open access to Eucharistic Communion. Actually, participation in the Eucharist expresses a complete profession of faith and full incorporation into the Church, to both of which the sacrament of baptism is the introduction. This sacrament, "therefore, constitutes a sacramental bond of unity linkingall who have been reborn through it. /Xnd yet baptism of itself is only a beginning and an introduction because, in fact, its totality is directed to the acquisition of fulness of life in Christ. Consequently, baptism is ordered to a complete profession of faith, to complete incorporation into the plan of salvation as Christ Himself willed it, and, finally, to complete association into Eucharistic fellowship."-*Deer, on Ecum.,* n. 22; *Canon Law Digest, 6,* p. 714.

7Cf. *Deer, on Priestly Min.,* n. 5.

b) Since the Eucharist is spiritual food, whose effect is to unite a Christian person more deeply with Christ Jesus, it is no wise an instrument of satisfying merely personal desires, no matter how lofty these may be. Out of the union of the faithful with Christ, the Head of the mystical body, arises the mutual union of the faithful. According to Paul, the Apostle, the union of all the faithful is based on the common participation of the Eucharistic Bread: "Because the Bread is one, we, though many, are one body, all of us who partake of the one Bread" (*I Cor.* 10:17). By means of this sacrament, "a person is incorporated into Christ and united with His members."[8] By assiduous reception of the Eucharist, the faithful are always being more incorporated into the Body of Christ and they always participate more in the mystery of the Church.

c) Therefore, the spiritual need of the Eucharist looks only to the growth of personal spiritual life but also simultaneously and inseparably to our more profound insertion into Christ's Church "which is His Body and the fulness of Him who is wholly fulfilled in all"(E'p/z *1:23).*

4. General Norms for Various Cases of Admission

Insofar as members of the Catholic Church are concerned, these two aspects of the mystery of the Eucharist arc absolutely intertwined, that is, the Eucharist as a celebration of the total and complete ecclesial community united in one and the same faith, and the Eucharist as food answering to the needs of the spiritual, personal and ecclesial life of each individual. The same thing will obtain when, by the will of God, all the disciples of Christ will have been united in one and the same Church. But what is the present condition of Christians in a state of division? In every baptized person there is a corresponding spiritual need of the Eucharist. Those who are not counted in full communion with the Catholic Church, have recourse to the sacred ministers of their own community as their conscience directs. But what will those of them who cannot have recourse to their own minister or who for other reasons come to and seek the Eucharist from a priest of the Catholic Church?

^Council of Florence: *Decretum pro Armenis, Denz. Bann.,* 698, *Denz. Schon.,* 1322. St. Thomas often uses the expression. *The sacrament of ecclesiastical unity* (e.g., *Summa Theol.,* q. 73 a. 2, sed c). The Eucharist effects the unity of the Church; more formally, it effects the mystical body because it contains the real Body of Christ.

The *Ecumenical Directory* has already indicated a twofold exigency must be kept safe and sound: the integrity of ecclesia! communion and the good of souls. These *Directory* indications arc derived from two general norms:

a) It is never right to betray the strict relationship between rhe mystery of the Church and the mystery of the Eucharist, whatever pastoral measure must be used in well-defined cases. Of its very nature, the celebration of the Eucharist signifies the fullness of profession of faith and of ccclesial communion. This principle may never be obscured but must manifest our plan of action in this matter.

b) This principle will assuredly not be observed if admission to Catholic Eucharistic Communion is concerned in special cases with only those believers who profess a faith in harmony with the faith of the Church regarding this sacrament and feel a genuine spiritual need of the Eucharistic food but cannot have access to a minister of their communion for a rather long time and on their own initiative, as a result, request this sacrament, are properly disposed for it, and manifest a mode of life worthy of a Christian. This need must be understood in that sense which has been spelled out above (cf. n. 3, *b* and <?): the need of growth in the spiritual life and the need of a more profound insertion into the mystery of the Church and her unity.

Moreover, even if the conditions actually and already obtain, pastoral care must be exercised lest admission of other Christians to Eucharistic Communion endanger or disturb the faith of Catholic members.9

5. In View of the Principles Set Forth Above, Differences Between Members of the Oriental Churches and Other Christians

The *Ecumenical Directory,*'0 as regards admission to Eucharistic Communion in the Catholic Church, contains different norms for Orientals who are separated from us, from those which affect other Christians. The reason is this: the Oriental Churches, even though separated, possess true sacraments—most of all, because of apostolic succession, the priesthood and the Eucharist—which bind them with us by the closest tie with the result that the danger of obscuring the relationship between Eucharistic Communion and ccclesial com-

9 *Cf. Deer. on Orient. Cath. Ch.,* n. 26.

1 °Cf. nn. 44 and 55; *Canon Law Digest,* 6, pp. 729 and 732 respectively.

munion is to some extent reduced.[11] Recently the Roman Pontiff recalled to mind that between "our Church and the venerable Orthodox Churches there already exists an almost total communion, even though it is not yet perfect, which derives from our common participation in the mystery of Christ and His Church."[12]

When the discussion concerns Christians who belong to communities whose faith in the Eucharist differs from the faith of the Church and which do not have the sacrament of Orders, their admission to the Catholic Eucharist carries with it the danger of obscuring the essential relationship which exists between Eucharistic Communion and ccclesial communion. Consequently, these cases are handled in the *Directory* in a way different from the case of the Orientals and admission is not permissible except in quite rare instances, that is, "of urgent necessity." At such a time these believers are required to manifest that their faith in the Eucharist conforms to the faith of the Catholic Church; that is, as Christ instituted it and as the Catholic Church hands it on. Contrariwise, this question is not put to an Orthodox Christian because he belongs to a Church whose faith in the Eucharist is in conformity with our faith.

6. The Authority Competent to Decide Individual Cases. The Meaning of N. 55 in the *Ecumenical Directory*

Number 55 of the *Directory* grants a rather wide faculty to the episcopal authority to decide whether the conditions required for

"Consider two important texts of the *Directory* (nn. 39, 40) [Canon *Law Digest,* 6, pp. 728-7291, which have been partially taken from Council documents:

39. "Since these Churches (Oriental), although they are separated from us, possess true sacraments and especially, by apostolic succession, the priesthood and the Eucharist that link them to us in a very close relationship, some worship in common is not only possible but also advisable, granted the proper circumstances and the approval of ecclesiastical authority" *(Decree on Ecumenism,* n. 15; see also *Decree on Oriental Catholic Churches,* nn. 24-29).

40. Between the Catholic Church and the Oriental Churches separated from us there is still a very close communion in matters of faith (see *Decree on Ecumenism,* n. 14); moreover, "the Church of God is built up and grows through the celebration of the Eucharist of the Lord in each of these Churches" and "these Churches, although they are separated from us, possess true sacraments and especially, by apostolic succession, the priesthood and the Eucharist . . ." *(Ibid.,* n. 15).

1"Letter sent to Patriarch Athenagoras on 8 February, 1971. This letter was handed to Metropolitan Meliton of Chalcedon when he visited the Pontiff on that same date. It first came to light in *O. R.*. 7 March, 1971.

defining those quite rare cases are *really* had or not. Undoubtedly, when cases of that kind occur quite frequently and constantly in a given region, the episcopal conferences will be able to establish some definite norms. Very often, however, it belongs to the local Ordinary to deliberate what must be done. Only he will be really able to weigh all the circumstances of a particular case and to decide correctly what is to be done.

Apart from danger of death, the *Directory* gives two cases by way of example, namely, of persons detained in prison or suffering persecution. However, mention is made of "other cases of this kind of urgent necessity." Such cases arc not limited only to circumstances of oppression and danger. There can also be question of Christians who find themselves in serious spiritual need but unable to have access to their own communities. Take for example the diaspora: in our time when there are large-scale migrations of peoples, it happens more often than in the past that non-Catholic Christians arc found dispersed here and there in the midst of Catholic regions. These believers are often lacking every form of help on the part of their own community or are unable to seek its help except at great expense and trouble. If they fulfill the other conditions set forth in the *Directory,* believers of that kind may be admitted to Eucharistic Communion but it belongs to the local bishop to examine the individual cases.

The Supreme Pontiff, Paul VI, by a letter of His Eminence, the Cardinal Secretary of State, on the 25th day of the month of May, 1972, to the undersigned Cardinal Prefect of the Secretariat, approved this pastoral instruction and ordered that it be published.

Given at Rome, from the offices of the Secretariat for Christian Unity, the first day of the month of June, 1972.

AAS 64-518; Sec. Christ. Unit., instruction, 1 June, 1972. /Annotations in the English edition of *O. R.,* 20 July, 1972 (Hamer); *Notitiae.* 8 (1972),277-280 (Hamer); *Clergy Rev.,* 58 (1973),619-633 (Stewart).

CANON 734

Holy Oils: Revised Order of Blessing Promulgated (S. C. Cult. Div., 3 Dec., 1970) AAS 63-711.

Since the Holy Week rites in the Roman missal have been opportunely revised, it has seemed fitting that also the order of blessing

the oil of catechumens and the oil of the sick and of confecting the chrism which is found in the *Roman Pontifical* and must be used in the Mass of the Chrism, should be subjected to the necessary adaptations.

Therefore, this Sacred Congregation for Divine Worship has revised the aforesaid order and promulgates the same which has been approved by the apostolic authority of the Supreme Pontiff, Paul VI, and stipulates that it is hereafter to be used in place of the order in the current *Roman Pontifical.*

Moreover, the episcopal conferences are entrusted with the concern to prepare vernacular editions and submit them for confirmation by this Sacred Congregation.

Everything to the contrary notwithstanding.

From the offices of the Sacred Congregation for Divine Worship, the 3rd day of December, 1970.

AAS 63-711 ; S. C. Cult. Div., decree, 3 Dec., 1970. The original form of this document carried Prot. N. 31 33/70.

CANON 737

Mutual Recognition of Baptism: Belgium: German-speaking Evangelical Community, Roman Catholic Church, Protestant Church, Reformed Church, and Gereformeerde Kerken, 23 Nov., 1971: reported in *One tn Christ,* 8 (1972),306-309.

Philippines: Lutheran and Roman Catholic, 6 Feb., 1972; reported in *One m Christ* 8 (1972),300-305.

CANON 741

Faculty for Lay Religious Men and Women to Administer Baptism (S. C. Rel. et S. I., 12 Oct., 1970) Private.

The following was addressed by the secretary of the S. C. for Religious and for Secular Institutes to the V. Rev. Peter Arrupe, S.J., in his capacity as president of the Union of Superiors General.

I beg to inform Your Paternity that the Holy Father has deigned to approve that outside of mission territories, in the habitual absence of the ordinary minister of baptism, lay religious men and women can administer the said sacrament following the "rite to be used by a catechist" which is contained in the "Rite of Baptism for Children,"

which was promulgated by the Sacred Congregation for Divine Worship on 15 May, *1969.*[1]

The induit is granted upon the request of the local Ordinaries who must send the pertinent application to the Sacred Congregation of the Sacraments. The concession of the faculty is subject to the following conditions:

(λ) that in that place the ordinary minister of baptism (priest or deacon) is absent. The judgment on the verification of the habitual absence (physical or moral) of the ordinary minister in all or in part of the country's territory is sought from the national episcopal conference.

(b) that the lay religious men and women have attained their eighteenth year of age, have made their first religious profession or have assumed the equivalent obligation, and, moreover, have received adequate catechetical instruction.

In the grant of the induit the national episcopal conference and the individual local Ordinaries are reminded that they must oversee the observance of the existing norms of the Code of Canon Law regarding godparents, the place, time and registration of the baptism, which have not been expressly abrogated by the "Rite of Baptism for Children."

Finally, the lay religious man or woman who has administered the baptism, has the obligation to register the said act opportunely and attentively according to the norm of the Code of Canon Law and the instruction, *Sacrosanctum,*[2] of the Sacred Congregation of the Sacraments.

I ask Your Paternity please to give notice of the above-mentioned concession to the interested superiors general.

(Private); S. C. Rel. et S. I., letter, 12 Oct., 1970; reported in *Coin, pro Rel.*. 52 (1971),1 88-189.

CANON 750

Infant Baptism: Mission Problems (S. C. Doct. Fid., 13 July, 1970) Private.

Case, in the Diocese of Dapango (Africa) some parents request the baptism of their infants. If baptism is refused, there is the risk

1 Reported in this volume under canon 755.
2 Reported in *Canon Law Digest.* 2, pp. 253-265.

that the parents themselves will turn to Islamism·, if baptism is granted, the infants, for the most part, will not receive a Christian education. It was suggested that these infants be given "the equivalent of the first rites of the catechumenate by which the Church will already take them in charge and there will be had the possibility of not losing sight of them and of catechizing and baptizing them after the age of reason. On the other hand, the Christian community will feel itself obligated with regard to these infants because, to a certain extent, the Church has taken on the responsibility of guiding them to baptism."

Reply. In the letter addressed to you [the Bishop of Dapango] on 15 February, 1967, in response to your proposal concerning the establishment of a catechumenate for infants, the S. Congregation for the Doctrine of the Faith informed you of its intention to pursue the study of the question while completely upholding the traditional practice and emphasizing the necessity of insisting on the responsibility of the parents.

At the present time I am able to communicate to you the conclusions of the commission designated for the study of this question – conclusions approved by the cardinals of the aforesaid Congregation and ratified by the Holy Father on the 19th day of June, 1970.

Here, then, is what has been established:

1. IN THE CASE OF "INFANTS."

1. *Christian parents who are "regular":*

a) A person will be guided by the introduction of the new *Rite of Baptism,* especially on what pertains to the preparation of the parents.

b) It is normal for fervent parents to desire that their infant be born "as soon as possible" to the life of a child of God.

2. *Parents who are not Christian orare "Irregular" Christians:*

N.B.– "Irregular" Christians here means polygamous Christians, concubinaries, lawful spouses who have abandoned all regular practice of their faith, or who request baptism of the infant for the sole reason of social propriety.

a) It is important to make them become conscious of their responsibilities.

b) Further, it is important to pass judgment on the sufficiency of the guarantees regarding the Catholic education of the infants – guarantees given by some member of the family, or by

the godfather or the godmother, or by support on the part of the community of the faithful (by guarantees we mean that there is founded hope of Catholic education).

c) If the conditions are sufficient in the judgment of the pastors, the Church can proceed to the baptism because the infants are baptized in the faith of the Church.

d) If the conditions are not sufficient, one will be able to propose to the parents:

—enrolment of the infant with a view to baptism later.

—continuance of pastoral contacts with them, permitting the preparation of later reception with a view to baptism.

II. IN THE CASE OF ADULTS AND OF "CHILDREN" ACCORDING TO CAN. 745, §§1-2:

Establishment of a catechumenate in accord with the wish of Vatican Council II and in accord with the modalities which the episcopal conferences will have specified.

(Private); S. C. Doct. Fid., reply, 13 July, 1970; reported in *Doc. Cath.,* 68 (197D.158. Complete text of letter containing the case is reported in *Notittae,* 7 (1971),64-69- Annotations in *Notittae,* 7 (1971),70-73 (Ligier).

CANON 752

Baptism of Adults: Revised typical edition of the Christian initiation of adults promulgated by S. C. Cult. Div., decree, 6 Jan., 1972 (AAS 64-252).

Invalidity of Baptism: Adult lacking sufficient knowledge. *See c.* 1127; S. C. Doct. Fid., 6 April, 1966.

CANON 755

Revised Rite for Baptism of Children (S. C. Cult. Div., 15 May, 1969) AAS 61-548.

Decree issued by the S. C. for Divine Worship:

The sacred Second Vatican Council decreed that the rite of baptism for children as found in the *Roman Ritual* should be revised so that: the rite might be adapted to the condition of children; the roles and duties of parents and godparents might be more evident; suitable variants might be set down for a large number of persons to be baptized or for baptism to be administered by catechists in mis-

sion lands or by others when the ordinary minister is not available; a rite might be drawn up which would indicate that the infant who was baptized in the short rite, has already been received into the Church *(Const, on tbe Sacred Liturgy,* arts. 67-69l).

This revision has been carried out by the Commission for the Implementation of the Constitution on the Sacred Liturgy. The Supreme Pontiff, Paul VI, by his apostolic authority, has approved the new rite for the baptism of children which is to be used in the future instead of the rite presently in the *Roman Ritual* and has ordered that it be published.

Wherefore, this Sacred Congregation, on special mandate of the said Supreme Pontiff, promulgates the new rite and stipulates that it go into use as of the 8th day of September, 1969.

All things to the contrary notwithstanding.

From the offices of the Sacred Congregation for Divine Worship, the 15th day of May, 1969, the solemnity of the Lord's Ascension.

AAS 61-548; S. C. Cult. Div., Decree, 15 May, 1969. Annotations in *Notitiae,* 4 (1968), 235-245 (Fischer); *Worship,* 43 (1969), 224-230 (Guerrette).

Extension of Period of Suspension of Time for Revised Baptismal Rite (S. C. Cult. Div., 10 July, 1969) AAS 61-549.

Some episcopal conferences have requested that the suspension of law *(vacatio legis)* for the new rite of baptism of children which was set for the 8th of September of this year, be extended further so that vernacular versions can be prepared with greater ease and that pastoral action can be more appropriately arranged. This Sacred Congregation for Divine Worship, by mandate of the Supreme Pontiff, Paul VI, has decided that the new rite of baptism of children, which was promulgated on 15 May, 1969, shall go into effect on the 29th day of next March, 1970, that is, on Easter Sunday. However, from the 8th of September of this year, the new rite or the rite presently in the *Roman Ritual* or *Pontifical* may be used at will, but from 29 March, 1970, only the new rite is to be used.

On the other hand, after the episcopal conferences have prepared the vernacular version and have received its confirmation from this Sacred Congregation, they have the faculty to set, as seems better,

Report in *Canon Law Digest, 6,* pp. 51-52.

another date prior to 29 March, 1970, at which time the new rite of baptism of children will go into effect.

All things to the contrary notwithstanding

From Vatican City, 10 July, 1969.

AAS 61-549; S. C. Cult. Div., Decree, 10 July, 1969. This decree also appears in *Notitiae,* 5 (1969), 222 where it carries Prot. N. 674/69.

Adult Baptism: New Ritual Promulgated (S. C. Cult. Div., 6 Jan., 1972) AAS 64-252.

Following is the "decree on the rite of Christian initiation of adults."

The Second Vatican Ecumenical Council prescribed a revision of the rite of baptism of adults, stipulating that a distinct catechumenate in several grades be restored for adults whereby it will eventuate that the period of the catechumcnate, which is designed for proper training, can be sanctified by sacred rites which arc to be celebrated at subsequent times. However, the said Council also stipulated, that, in view of the restored catechumcnate, both the solemn and the simple rite of baptism of adults be revised.

In obedience to these decrees, the Sacred Congregation for Divine Worship has composed a new rite of Christian initiation of adults which, having been approved by the Supreme Pontiff, Paul VI, it has taken care to promulgate and declares the present edition to be the typical edition so that it may take the place of the rite of baptism of adults presently found in the *Roman Ritual.* The Congregation also stituplates that this new rite may be used at once in the Latin tongue; on the other hand, the vernacular version may be used as of the date indicated by the episcopal conference after the conference has prepared the popular translation and the Apostolic See has confirmed it.

All things to the contrary notwithstanding.

From the offices of the S. Congregation for Divine Worship, the 6th day of January, 1972, the solemnity of the Epiphany of our Lord.

AAS 64-252; S. C. Cult. Div., decree, 6 Jan., 1972. Annotations in *Notitiae.* 8 (1972), 87-95 (Molin).

CANON 761

Baptismal Name: Revised rite of baptism of adults, n. 88, provides that "whcrever non-Christian religions prevail, the episcopal conference can decide that either a Christian name or a name used in the local cultures may be imposed on new catechumens, notwithstanding the prescription of can. 761, provided it can have a Christian meaning." Annotations in *Notittae,* 8 (1972), 100-102.

CANON 765

Non-Catholic Christians as Godparents (Sec. Christ. Unit., 3 Dec., 1970) Private.

On 12 September, 1970, the bishop of Garzon (Colombia) addressed a letter on non-Catholic Christians as godparents to the S. C. for Divine Worship but the response came from the Secretariat for Christian Unity.

Your Excellency,

The Sacred Congregation for Divine Worship has transmitted to this Secretariat, by reason of competency, your letter of 12 September, addressed to Cardinal Benno Gut, in which Your Excellency wrote that no. 10 of the introduction *{praenotanda)* to the rite of baptism in the new ritual "goes beyond the norms of the *Instruction on Ecumenism* which provides for the possibility of a member of the Oriental Church being a godparent but rejects that possibility in the case of separated members of other groups with the weighty reason that "the godparent is undertaking the responsibility for the faith of the candidate in the capacity of a representative of the community of faith;"[1] for him the most that he is obliged to undergo is that he be a "Christian witness of the baptism."

The objection raised by Your Excellency has been attentively examined. But no. 10 of the introduction to the new ritual in effect affirms:

"A baptized person, however, who belongs to a separated Church or community and is imbued with the faith of Christ, may be admitted, along with a Catholic godfather (or Catholic godmother), as a godparent or Christian witness of the baptism if the parents so

[1] *Directory on Ecumenism,* n. 57; *Canon Law Digest,* 6, p. 732.

desire and provided that consideration is had of the norms established for the various cases in ecumenical matters."

As Your Excellency can note, the norms of the *Directory on Ecumenism* "for the various cases" are expressly recalled. These norms are found in n. 482 of the *Directory* through which regard is had of the possibility of admitting "a member of the *Oriental* faithful as *godparent* along with a Catholic godparent" and in no. 573 through which concern is had of the possibility of admission of a member of other Churches and ecclesial communities as *witnesses oi* baptism "along with a Catholic godparent." As a result, n. 10 of the introduction to the new ritual of baptism does not go bey j the norms of the *Directory.* Moreover, if the synthetic expression of n. 10 of the introduction to the new ritual may seem not to be clear, still the *Directory* comes through explicitly recalling that, from the norms in a precise and clear expression and in a manner different from the second which treats of a member of the Oriental Churches or of the other Churches or ecclesial communities, one may be

2Directory on Ecumenism, n. 48 *(AAS,* 59 (1967], 588-589): Because of the close communion between the Catholic Church ant the Oriental Churches separated from us as described above (n. 40), it is premissible for a just cause for a member of one of the latter to act as godparent, together with a Catholic godparent, at the baptism of a Catholic infant or adult so long as there is provision for the Catholic education of the person being baptized, and it is clear that the godparent is a suitable one. A Catholic is not forbidden to stand as godparent in an Oriental Church, if he is so invited, in this case the duty of providing for the Christian education of the baptized person binds in the first place the godparent who belongs to the Church in which the child was baptized.—*Canon Law Digest,* 6, p. 730.

Ibid., p. 591, n. 57: With the exception already dealt with above (n. 48), it is not permissible for a member of a separated community to act as godparent in the liturgical and canonical sense at baptism or confirmation. The reason is that a godparent is not merely undertaking his responsibility for the Christian education of the person baptized or confirmed, as a relative or friend; he is also, as a representative of a community of faith, standing as sponsor for the faith of the candidate. Equally, a Catholic cannot fulfill this function fora member of a separated community. However, because of ties of blood or friendship, a Christian of another communion, since he has faith in Christ, can be admitted with a Catholic godparent as a Christian witness of the baptism. In comparable circumstances a Catholic can do the same for a member of a separated community. In these cases the responsibility for the Christian education of the candidate belongs of itself to the godparent who is a member of the Church in which the candidate is baptized. Pastors should carefully explain to the faithful the evangelical and ecumenical reasons for this regulation, so that all misunderstanding of it may be prevented.—*Canon Law Digest.* 6, pp. 732-733.

admitted, along with a Catholic godparent, as godparent (in the first case) or as witness (in the second case).

I am happy to have been able to give you these clarifications and to give grounds so that the correct application of these norms will contribute to a better understanding between Christians of different confessions. I extend expression of my deepest respect and I remain,

Devotedly yours in our Lord,

G. Hammer, O.P., Secretary

(Private); Sec. Christ. Unit., letter, 3 Dec., 1970; reported in *Notitiae, 7* (1971),92-93.

CANON 776

Conferral of Baptism in Clinics and Hospitals (19 Aug., 1970) Private.

On 24 June, 1970, Angelo Cardinal Dell'Acqua, Vicar General of the Supreme Pontiff for the Diocese of Rome, issued a "notification" regarding the administration of baptism in health-care centers. To some persons this "notification" did not seem to agree with the norms given by the First Roman Synod, the Council and the Sacred Congregation for Divine Worship. As a result, the Cardinal Vicar sought out the mind of the Sacred Congregation relative to the new legislation regarding the conferral of baptism of infants. Since the matter can come up in other regions, the text of both the notification and the response are presented here.

I. "Notification" of the Cardinal Vicar

On the 29th of June, the new rite of baptism of infants went into effect for all the dioceses of Italy. If one realizes that the rite heretofore in use was arranged with elements drawn from the baptismal liturgy for adults, he adverts to the importance of this second step in liturgical reform which gives us a baptismal celebration adapted to the situation of baptized infants in accord with the dispositions of Vatican II.[1]

The parents come now to take on in the celebration the appropriate position which belongs to them through the obligation

[1] *Const, on Sac. Lit.,* n. 67; *Canon Law Digest,* 6, p 51.

which they assume in the Christian upbringing of their baptized child. One understands immediately the great help which this rite affords for pastoral action which aims to give worth to the first sacrament of Christian initiation by giving to the ccclesial community and to the families a sense of their responsibility in the education to the faith of those who are baptized at a tender age.

In order that in the Diocese of Rome the application of the norms preceding the rite[2] may be oriented pastorally and in order that the celebration may be cared for in a way to render participation in it active and informed, the following directives are given.

1. Between the request for baptism on the part of the parentsand the celebration there should be sufficient time in a way to be able to provide for a genuine preparation. This is accomplished in the ways which are available for experimentation according to the situations of the various parishes, taking account of what is said in η. 1 of paragraph 5.[3]

2. As regards the time of the baptism, paragraphs 8-9[4] should be considered in order to discover the right balance between the dutiful desire to baptize a newborn and the necessity of an appropriate preparation and a dignified celebration. Strongly recommended is the proposal to hold a common celebration of several baptisms on a Sunday in a suitable chapel.

3. The place of baptism should, as a rule, be the parish church/ the better to signify that the baptized person enters to become part of the ccclesial community and that the family accepts and wishes that the child become a member of the family of the children of God. Consequently, baptism should not be celebrated in private homes (par. 12) or in clinics, except in a case of necessity or of some truly compelling pastoral reason. The practices obtaining in clinics and hospitals should be reviewed; on this point pastors should alert the chaplains and the superiors of religious communities at clinics and also request their collaboration to explain to parents the reasons for the new directives.

4. In the course of the celebration care should be had of the liturgy of the word under its catechetical aspect. Those present should be made to sit in order to be able to listen tranquilly. The best-suited biblical reading should be chosen. There should be a brief catechetical homily to lead the gathering on to a better faith-under-

[2] *Rito del Battesinio det bambini,* C.E.I., pp. 25-33.
3lbtd.t p. 26.
4lbtd.t pp 28-29
5Cf. *ibid.,* par. 10, p. 29.

standing of the significance of the sacrament which is being celebrated. From the words uttered by the priest, each one ought to be helped to understand better his own Christian existence based on baptism and the ccclesial responsibility which thereby arises relative to the newly-baptized.

5. The instances of the rite which provide for greater spontaneity of dialogue between the celebrant and the parents and godparents should be appropriately used to give the celebration a less artificial character and to help those present towards a truly personal participation. In any event, the priest should never try to improvise without adequate preparation.

6. On some Sundays of the year, especially in the Easter season, it is pastorally advisable to inject baptism into the Masses of the various congregations in order to afford, from time to time, to all the participating faithful the possibility of grasping their responsibility vis-a-vis the newly-baptized. Effort should be made to afford to each Sunday congregation at least one of these baptismal celebrations in a year. Nevertheless, to be avoided is always having too many baptisms at one and the same Sunday congregation.

II. Response of the Sacred Congregation

Lord Cardinal,

There has arrived at this Sacred Congregation the esteemed letter of 7 July, 1970 (Prot. N. 9289/70) in which Your Eminence has asked to be informed of the mind of this Sacred Congregation on the application of the new legislation relative to the conferral of baptism on infants in the Diocese of Rome.

In particular the Congregation referred itself to the "Notification" of 24 June, 1970, in which the faithful are exhorted to celebrate baptism, as a rule, in the parish to the exclusion of clinics "except in a case of necessity or for some truly compelling pastoral reason." To some this has appeared to be inconsistent with art. 154 of the Roman Synod which was promulgated on 29 June, 1960.

In this regard, after having made a report of the whole problem to the Holy Father for his venerable command, I am duty bound to communicate the following to you.

1. The recent "notification" does not seem to be inconsistent with the Roman Synod. First of all, because there is question of matter which is completely new and in a situation diffferent from

that of the Roman Synod. The *Rite of Baptism of Children* constitutes a "reorganization" of the disciplinary, liturgical and ritual provisions regarding the baptism of infants. There is question of anew legislative act which supplants the preceding act. And, logically, by treating of law for the whole of the Church that law emanates from a pontifical act which abrogates the prior legislation. The express approval of the Holy Father and the mode of promulgation "in the name of the Supreme Pontiff" are clearly indicated in the decree which precedes the *Rite.*

But even if we prescind from the juridical aspect, the new provision is not in opposition to the Roman Synod. In fact, the Synod gave the faculty to the Cardinal Vicar to allow ("will be able to allow") baptism to be administered also in clinics. The same senseis expressed in nn. 11 and 13 of the *Praenotanda* of the *Rite of Baptism of Children* where it is said that "it belongs to the bishop ... to *permit* or *to direct* that a baptismal font also be placed in another church or public oratory within the territory of the parish" (n. 11). In a definite sense, the new discipline extends to the whole Church what had been a particular provision for Rome.

If, in the spirit of the *Rite of Baptism of children,* the Cardinal Vicar has deemed it good to modify the preceding provisions, he has used one and the same right by virtue of the Synod and of the *Praenotanda* of the new *Rite.*

2.This Congregation appreciates the attempt made to restore the value in the sense of "parochiality" and in the community spirit on which the *Rite of Baptism* lays stress. The parish must always be more envisaged as the center of spiritual and sacramental life and the parish community as the natural and fraternal society for the sacramental initiation and for the education in the faith and the growth of Christian personality.

3.From the pastoral point of view, considering the situation of the big cities and of Rome in the concrete instance, it would seem that the recent provisions could be applied with a prudent and enlightened gradualness.

a) Inasmuch as the chaplains and the sisters have more direct contact with the parents, they, in good part, will support the invitation to orient the interested persons towards the parish since it is within the first natural ecclesial community that the new offshoots of the Christian family are reborn to the life of grace.

b) In this way it will bring it about that the parents, by turning themselves back to the parish, will find there the society ready fora

welcome, a preparation and a celebration which satisfy the request of the new *Rite of Baptism,* and the contact with the said parish will not be a simple formality which could also be dismissed in the clinic. Above all is this of importance as regards the pastoral preparation of the parents by beginning it, insofar as possible, before the birth of the baby.

c) And yet, in some cases, the church or the chapel of the hospital or of the clinic can become a suitable subsidiary to the pastoral work of the parish with regard to baptism, not only by reason of the concrete number of baptisms which are thus administered, but also because the stable presence of a zealous chaplain, with due assistance, will be able to organize an appropriate preparation of the parents for the baptism of the baby in responsible collaboration with the respective pastors.

d) The choice of hospitals or of clinics to be granted the faculty to have a baptismal font must be made case by case by the Cardinal Vicar, keeping in mind the conditions of those who regularly frequent them and their spiritual needs.6 It will, then, be necessary to give precise norms and to set well-determined conditions regarding the regulation of the pastoral work, the arrangements of the sacred place, the development of the rite with all the insights required for a truly dignified execution. The faculty will have to be denied decisively every time it is foreseen that these conditions cannot be carried out. Their presence or absence will have to be verified by the competent officials of the Vicariate.

e) insofar as possible, the conferral of a single baptism will have to be avoided in favor of the community celebration which better puts in the light the sense of the family of God. To this end days and hours shall be set at which baptism can be conveniently conferred on all newly-born infants.

f) The directives of a ritual and pastoral character will have to be implemented everywhere anyone, by right or by privilege, administers baptism, and this includes the venerable patriarchal basilicas.

With an expression of my greatest respect.

Vatican City, the 19th of August, 1970.

t Benno Card. Gut, Prefect

A. Bugnini, Secretary

(Private); S. C. Cult. Div., reply, 19 Aug., 1970; reported in *Notitiae, 7* (1971), 59-63.

'In the implementation of this norm, the Cardinal Vicar, on the 19th of August, has granted a baptismal font to 12 hospitals and clinics.

CANON 780

Sacrament of Confirmation: Revised Rite (Paul VI, 15 Aug., 1971) AAS 63-657.

Pope Paul VI issued the following apostolic constitution, *Divinae consortium naturae,* on the sacrament of confirmation.

The sharing of the divine nature which is given to mankind through the grace of Christ, bears a certain likeness to the origin of natural life and its growth and nourishment. For the faithful are reborn by baptism, strengthened by the sacrament of confirmation, and, finally, enlivened in the Eucharist by the food of eternal life so that by the sacraments of Christian initiation they take hold more and more on the treasures of divine life and advance towards the perfection of charity. Rightly, indeed, have these words been written: *the flesh is washed so that the soul may be cleansed of its spots; the flesh is anointed so that the soul may be consecrated; the flesh is signed so that the soul also may be fortified; the flesh is overshadowed by the laying on of the hand so that the soul may also be illumined by the Spirit; the flesh is fed with the body and blood of Christ so that the soul may feast on God.*1

The Second Vatican Ecumenical Council, conscious of its pastoral responsibility, exercised special care for these sacraments of initiation, prescribing that their rites should be suitably revised so that they might be better accommodated to the understanding of the faithful. Since, therefore, the *Rite of Baptism of Children* has been issued in a new form by reason of the precept of the said universal Synod and has been published by Our command,[1a] and already put into use, it is expedient now to publish the rite of confirmation so that the unity of Christian initiation may be placed in its proper light.

As a matter of fact, diligent work and study was spent in recent years on the revision of the way in which this sacrament was to be celebrated, that is to say, attention was directed *so that the intimate connection of this sacrament with the whole Christian initiation may stand out more clearly.*2 The link, however, whereby confirmation is joined with the other sacraments of that kind is not only more

1 Tenullian: *De Resurrectione Mortuorum,* VIII, 3—*CCL,* 2, p. 931.

1a See this volume of *Canon Law Digest,* canon 755.

2 Cf. Cone. Vat. II, *Const, on Sac. Lit.,* n. 71 ; *Canon Law Digest,* 6, p. 52.

openly made known by the fact that the rites are arranged with a clear connection but also appears from the gestures and words by which confirmation itself is conferred. This is done so that the rites and words of the said sacrament *may more clearly express the holy things they signify and so that the Christian people may be able, as far as possible, to understand them easily and to take part in their celebration fully, actively and as a community.*3

Towards that purpose We wish also to include in the revision those things which pertain to the very' essence of the rite of confirmation through which the faithful receive the Holy Spirit as a Gift.

The New Testament declares how the Holy Spirit sustained Christ in fulfilling His messianic mission. After Jesus had received the baptism of John, He saw the Spirit descending upon Him (cf. *Mk.* 1:10) and resting on Him (cf. *Jn.* 1:32). He was driven on by that Spirit to undertake openly the ministry of the messiah, relying on the Spirit's presence and aid. When He instructed the people of Nazareth in the way of salvation, He indicated by what He said that the oracle of Isaiah, *the Spirit of the Lord is upon me,* referred to Himself (cf. *Lk,* 4:17-21). Thereafter, He promised His disciples that the Holy Spirit would also assist them so that they also would boldly testify to their faith in the face of their persecutors (cf. *Lk.* 12:12). Again, on the day before He suffered, He assured the apostles that He would send from the Father the Spirit of truth (cf. *Jn.* 15:26) who would abide with them *forever (Jn.* 14:16) and be of assistance to them in bearing witness concerning Him (cf. *Jn.* 15:26). Finally, after His resurrection, Christ promised that the Holy Spirit would descend upon them shortly: *You shall receive power when the Holy Spirit comes upon you and you shall be witnesses to Me (Acts* 1:8; *Lk.* 24:49).

In truth, on the day of the feast of Pentecost the Holy Spirit in an altogether marvelous way descended upon the apostles who were gathered together with Mary, the Mother of Jesus, and the group of disciples. They were then so *filled with (Acts* 2.4) the Holy Spirit that, inspired by divine impulse, they proclaimed *the mighty works of God.* On the other hand, Peter considered the Spirit who had thus descended upon the apostles, as a gift of the messianic age (cf. *Acts* 2:17-18). From that time onwards, the apostles, fulfilling the will of Christ, imparted to the neophytes by the laying on of hands the gift of the Spirit which completed the grace of baptism (cf. *Acts* 8:15-17; 19:5 ff.). Thus it turned out that, in the epistle to the

3ibidem, n. 21, *Canon Law Digest,* 6, p. 40.

Hebrews, among the elements of the first Christian instruction was recounted the doctrine about baptisms and also about the laying on of hands (cf. *Heb.* 6:2). This laying on of hands is deservedly recognized by Catholic tradition as the beginning of the sacrament of confirmation which in a certain way perpetuates the pentecostal grace in the Church.

This makes clear the specific importance of confirmation relative to the sacramental initiation whereby the faithful *as members of the living Christ are incorporated into and made like Him through baptism as well as by confirmation and the Eucharist** In baptism, the neophytes received forgiveness of sins, adoption as sons of God, and the character of Christ by which they are made members of the Church and for the first time become participants in the priesthood of the Saviour (cf. *I Pet.* 2:5 and 9). Through the sacrament of confirmation those who have been reborn through baptism receive the unspeakable Gift, the Holy Spirit Himself, by which *they are endowed with special strength,*5 and, after they have been signed with the character of the said sacrament, *they are linked to the Church more perfectly*^ and *are more strictly obliged to spread and to defend the faith both by word and by deed as true witnesses of Christ*l Finally, confirmation is so closely linked with the Holy Eucharist8 that the faithful who have been already signed with holy baptism and confirmation, are fully incorporated into the Body of Christ through participation in the Eucharist.9

Even from ancient times, the conferral of the gift of the Holy Spirit has been carried out in the Church by various rites. Both in the East and in the West these rites have undergone manifold changes but in such wise that the significance of the conferral of the Holy Spirit is preserved. ·Λ-υ

In many rites of the East, for the conferral of the Holy Spirit, it seems that, even from ancient times, preference was had for a rite of anointing which had not yet been clearly distinguished from bap-

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Cf. Conc. Vat. II, *Deer, on Mission. Act.,* n. 36.
SConc. Vat. II, *Dog. Const, on the Church,* η. 11.
6*Ibidem.*
'*Ibidem;* cf. *Deer, on Mission Act.,* η. 11.
8Cf. Conc. Vat. II, *Deer, on Priestly Mtn.,* n. 5.
9Cf. *ibidem.*

tism.10 Even today this rite prevails in very many of the Eastern Churches.

In the West, very ancient pieces of evidence are found regarding the part of Christian initiation in which the sacrament of confirmation was later distinctly recognized. For after the baptismal washing and before the Eucharistic repast, several things are indicated to be performed, such as the anointing, the laying on of hands, and the consignation,11 which are contained both in the liturgical documents12 and in many testimonies of the Fathers. From that time on through the course of the centuries, questions and doubts have arisen regarding what certainly pertained to the essence of the rite of confirmation. It is of interest to recall at least some of them which, from the thirteenth century onwards, in the ecumenical councils as well as in the documents of the supreme pontiffs, contributed not a little to throwing light on the importance of the anointing but in such wise that the laying on of hands was not consigned to oblivion.

Innocent III, Our predecessor, wrote the following: *By the anointing of the forehead is designated the laying on of the hand which by another name is called confirmation because by it the Holy Spirit is given for growth and strength.13* Innocent IV, another of Our pre-

10 Cf. Origen: *Dc Principiis,* 1, 3,2—*GCS,* 22, p. 49 f.; *Comnt. in Ep. ad Rom,* V, 8—PG, 14:1038; Cyril of Jerusalem: *Catech.,* XVI, 26, XXI, 1-7-PG, 33:956, 1088-1093.

11 Cf. Tertullian: *De Baptismo,* VH-VIII-CCL, 1. pp. 282 f.; B. Botte: *La Tradition apostolique de S. Hippolyte: Liturgieivissenschaftlicbe Quellen und Forscbungen,* 39, Münster in W., 1963, pp. 52-54; Ambrose: *De Sacramentis.* II, 24; III, 2, 8; VI, 2, *9-CSEL,* LXXII1, pp. 36, 42, 74-75; *De Mysteriis,* VII, *42-ibidetn,* p. 106.

12 *Liber Sacramentorum Romanae Ecclesiae Ordinis Anni circuli,* cd. L. C. Mohlberg: *Rerum Ecclesiasticarum Documenta, Fontes,* IV, Rome, 1960. p. 75; *Das Sacramentarium Gregorianum nacb dem Aachener Urexemplar,* ed. H. Lietzmann: *Liturgiegcschichtliche Quellen,* 3, Münster in W., 1921, pp. 53 f.; *Liber Ordinum,* cd. M. Férotin: *Monumenta Ecclesiae Liturgica,* V, Paris, 1904, pp. 33 f.; *Missale Gallicanum Vetus,* ed. L. C. Mohlberg: *Rerum Ecclesiasticarum Documenta, Fontes,* HI, Rome, 1958, p. 42; *Missale Gothicum,* ed. L. C. Mohlberg: *Rerum Ecclesiasticarum Documenta,* V, Rome, 1961, p. 67; C. Vogel—R. Elzc: *Le Pontifical Romano-Germanique du dixième siècle, Le Texte,* II: *Studi e Testi,* 227, Città dei Vaticano, 1963, p. 109; M. Andrieu: *Le Pontifical Romain au Moyen-Age,* t. 1, *Le Pontifical Romain du XIIe siècle: Study e Testi,* 86, Città dei Vaticano, 1938, pp. 247 ff. and 289; t. 2, *Le Pontifical de la Curie Romaine au XIIIe siècle: Study e Testi,* 87. Città del Vaticano, 1940, pp. 452 f.

'Cum venisset" PL, 215 285. The profession of faith which was imposed by the same pope on the Waldcnsians has these words: We *believe the confirmation preformed by a bishop, that is, the laying on of hands, is holy and must be reverently received.- PL,* 215:151 1.

deccssors, recalls that the apostles conferred the Holy Spirit *by the laying on of the hand which is represented by confirmation or anointing of the forehead,'** In the profession of faith of Emperor Michael Palaeologus, which was read in the Second Council of Lyons, mention is made of the sacrament of confirmation which *the bishops confer by the laying on of hands, anointing with chrism those who have been reborn.*[15]

The decree for the Armenians, which was issued by the Council of Florence, affirms that the *matter* of the sacrament of confirmation is *chrism made from the olive ... and balsam,'*[16] and, after having quoted the words of the *Acts of the Apostles* about Peter and John who had given the Holy Spirit by the laying on of hands (cf. *Acts* 8:17), added: *However, in place of that laying on of the hand, in the Church is given confirmation.'*[17] Although the Council of Trent in nowise intended to define the essential rite of confirmation, nevertheless, it designates the rite by the sole term of the sacred chrism of confirmation.[18] Benedict XIV declared the following: *Let this, which is beyond controversy, therefore be said: without doubt, in the Latin Church the sacrament of confirmation is conferred by using sacred chrism or olive oil mixed with balsam and blessed by a bisbop and by a sign of the cross made by the minister of the sacrament on the forehead of the recipient while the said minister pronounces the words of the form.*[19]

Many doctors of sacred theology, while taking account of these declarations and traditions, have maintained that for the valid conferral of confirmation only the anointing with chrism, made by the laying on of the hand on the forehead, is required; ncverthless, in the rites of the Latin Church the laying on of hands on those to be confirmed before the anointing was always prescribed.

On the other hand, as regards the words of the rite of communicating the Holy Spirit, it must be noted that even in the primitive Church Peter and John, in order to complete the initiation of those

[14] *Ep. "Sub Catholicae professione"* —Mansi: *Cone. Coll.,* t. 23:579.

[15] Mansi: *Cone. Coll.,* t. 24:71.

[16] *Epistolae Pontificiae ad Concilium Florentinum spectantes,* cd. G. Hofmann: *Concilium Florentinum,* vol. 1, ser. A, pars II, Rome, 1944, p. 128.

[17] *Ibidem,* p. 129.

[18] *Concilii Tridentini Actorum pars altera,* ed. S. Ehses: *Concilium Tridentmum,* V, Act. II, Friburgi Br., 1911, p. 996.

[19] *Ep. "Ex quo primum tempore,"* n. 52—*Benedicti XIV. . . Bullarium,* (HI. Prati, 1847. p. 320.

baptized in Samaria, prayed for them that they receive the Holy Spirit and then laid hands on them (cf. *Acts* 8:15-17). In the East, in the fourth and fifth centuries appear the first indications of the words, *sign of the gift of the Holy Spirit,* in the rite of anointing.20 These words were quickly accepted by the Church of Constantinople and even now are used by the Churches of the Byzantine rite.

In the West, however, the words of the rite completing baptism were less defined down to the twelfth and thirteenth centuries. But it was in the *Roman Pontifical* of the twelfth century that the formula, which later became common, occurred for the first time: / *sign yon with the sign of the cross and I confirm you with the chrism of salvation. In the name of the Father and of the Son and of the Holy Spirit.*21

From what We have recalled to mind, it is clear that in the act of confirming in the East and in the West, although, of course, in a different way, the anointing which in some way represents the apostolic laying on of hands, held first place. Since, however, that anointing with chrism aptly signifies the spiritual anointing with the Holy Spirit who is given to the faithful, We will that its existence and importance be confirmed.

With regard to the words which are pronounced in confirmation, We have indeed with equal esteem weighed the dignity of the venerable formula used in the Latin Church. This notwithstanding, We believe that to be preferred is the very ancient formula peculiar to the Byzantine rite whereby the Gift of the Holy Spirit Himself is expressed and the outpouring of the Spirit which took place on the day of Pentecost is recalled (cf. *Acts* 2:1-4 and 38). We, therefore, accept this formula, rendering it almost word for word.

Wherefore, in order that the revision of the rite of confirmation may appropriately extend also to the very essence of the sacramental rite, by Our supreme apostolic authority, We decree and establish that the following be observed in the future in the Latin Church:

The sacrament of confirmation is conferred through the anointing with chrism on the forehead which is done by the laying on of the

20Cf. Cyril of Jerusalem: *Catech.,* XVIII, *33—PG,* 33:1056: Asterius. Bishop of Amasca: *In parabolam de filio prodigo,* in "Photii Bibliotheca," Cod 271-PG, 104:213; cf. also *Epistola cuiusdam Patriarchae Constantinopohtani ad Martyrium Episcopum Antiochenum-PG,* 119:900.

21M. Andrieu: *Le Pontifical Romain au Moyen-Age,* t. 1: *Le Pontifical Romain du XIIe siècle: Studi e Testi,* 86, Cittâ dei Vaticano, 1938, p. 247.

band and through the words: "Receive the sign of the Gift of the Holy Spirit."

The laying on of hands upon the candidates which with the prescribed prayer is done before the anointing, although it does not pertain to the essence of the sacramental rite, must, nevertheless, be highly esteemed inasmuch as it contributes to the complete perfection of the said rite and to the fuller understanding of the sacrament. It is evident that the laying on of hands which precedes differs from the laying on of the hand whereby the anointing with chrism on the forehead is done.

Having established and declared all these points regarding the essential rite of the sacrament of confirmation, We, by Our apostolic authority, also approve the *Order* of the said sacrament as revised by the Sacred Congregation for Divine Worship after it had taken counsel with the Sacred Congregations for the Doctrine of the Faith, for the Discipline of the Sacraments, and for the Evangelization of Nations relative to the matter subject to their competence.

As soon as the Latin edition of this *Order* containing the new form is published, it will begin to be in force. However, the vernacular editions which are prepared by the episcopal conferences and confirmed by the Apostolic See, will begin to be in force from the date established by the individual said conference. On the other hand, the old *Order* may be used until the end of the year 1972. However, from the first day of the month of January of the year 1973, only the new *Order* will be used by all concerned.

These Our statutes and prescriptions We wish to be and to remain firm and effective in the Latin Church, notwithstanding, insofar as need be, the constitutions and apostolic ordinances issued by Our predecessors and other prescriptions, even those deserving special mention.

Given at Rome, at St. Peter's, the 15 day of the month of August, on the Assumption of the Blessed Virgin Mary, in the year 1971, the ninth of Our pontificate.

AAS 63-657-, Paul VI, ap. const., 15 Aug., 1971. Annotations in *Clergy Monthly.* 36 (1972).106-11 3 (Putz); *Clergy Rev..* 57 (1972),41-48 (Newns); *Ephem. Liturg.,* 86 (1972),110-1 27 (Lewandowski), 214-224 (Austin); *Gregorianum.* 53 (1972),267-321, 407-486 (Ligicr); *Monit. Eccles.,* 96 (1971), 483-487 (Betti); *Notttiae,* 7 (1971), 346-351 (Betti).

Confirmation: Revised rite of sacrament of, promulgated by decree of S. C. Cult. Div., 22 Aug., 1971, Prot. N. 800/71; reported in *Notttiae,* 7

(1971),332 and *AAS* 64-77; general introduction (19 articles) covering: I) the dignity of confirmation; II) Offices and ministries in the celebration of confirmation; III) celebration of the sacrament; IV) adaptations permitted in the rite; V) necessary preparations for administration of confirmation; reported in *Notitiae,* 7 (1971), 340-346. Annotations on the new rite: *Notitiae,* 7 (1971),352-363 (G. P.).

CANON 781

Imposition of Hand (Com. Vat. II Interp., 9 June, 1972) AAS 64-526.

The members of the Pontifical Commission for the Interpretation of the Decrees of the Second Vatican Council, after the following question had been proposed in the plenary session, believed it must be answered as below.

Question. According to the apostolic constitution. *Divinae consortium naturae,*[1] published on 15 August, 1971, must the minister of confirmation impose his hand extended over the head of the person to be confirmed while performing the gesture of anointing or does it suffice to have the anointing made with the thumb?

Reply. To the first: *in the negative,* to the second: *in the affirmative* according to intent; the intent is: the anointing performed in this way sufficiently manifests the imposition of the hand.

Our Holy Father, Pope Paul VI in the audience granted to the undersigned on the 9th day of June, 1972, ratified the aforesaid decision, approved it, and ordered that it be published.

AAS 64-526; Com. Vat. II Interp., reply, 9 June, 1972. Annotations in *Notitiae,* 8 (1972), 281-286.

Chrism: Consecration of: revised rite. *See* c. 734; S. C. Cult. Div., 3 Dec., 1970.

CANON 788

Age for Confirmation: As a rule, in the Latin Church, confirmation should not be conferred until after the seventh year of age and may be delayed to a later age to be determined by the episcopal conference for pastoral reasons; however, in danger of death or for other serious reason, confirmation may be conferred before attainment of the use of reason n. 11 of *Praenotanda* of revised tite, S. C. Cult. Div., decree, 22 Aug., 1971, Prot. N. 800/71, reported in *Notitiae,* 7 (1971),343.

[1] Reported above in this volume under canon 780.

CANON 795

Sponsor: Qualities of: n. 6 of *Praenotanda* of revised rite:

a) sufficiently mature to discharge his responsibility.

b) belongs to the Catholic Church and has received the three sacraments of baptism, confirmation and Holy Eucharist.

c) not prohibited by law from exercising role of sponsor.

-reported in *Notitiae,* 7 (1971),341.

CANON 796

Sponsor: Preferably, should be the same person who was sponsor at baptism and, therefore, canon 796, § 1 is abrogated; however, a different person may also be chosen as sponsor for confirmation; local Ordinary may make determinations regarding sponsor: n. 5 of *Praenotanda* of revised rite, S. C. Cult. Div., decree, 22 Aug., 1971, Prot. N. 800/71; reported in *Notitiae,* 7 (1971),341.

CANON 801

Holy Eucharist: Paul VI, allocution to the International Committee for Eucharistic Congresses on Eucharistic devotion and the unity of the Church, 1 March, 1972 (AAS 64-287)-Engiish version in *T.P.S.,* 17 (1971),33-37.

Anglo-Roman Catholic International Commission: joint agreed statement on Eucharistic doctrine, 7 Sept., 1971; reported in *Clergy Rev.,* 57 (1972),62-66; *Worship,* 46 (1972),2-5. Annotations in *Worship,* 46 (1972), 6-14 (Ryan).

Catholic-Lutheran.- joint statement, 1967; reported in *Cath. Mind,* 66 (March 1968),57-64.

CANON 803

Concclcbration: Declaration (S. C. Cult. Div., 7 Aug., 1972) AAS 64-561.

The S. C. for Divine Worship issued the following "declaration regarding concclcbration."

In the celebration of Mass "each one has the right and duty to take his own part in a varying way according to the diversity of Orders and functions ... so that from the very arrangement of the celebration the Church may be seen as constituted in her various Ordersand ministries."| Because of the special sacrament of Orders, priests dis-

Instr, on the Roni. Missal, n. 58. Cf. Vat. Coun. II: *Const, on Sac Lit.,* n. 28.

charge a function proper to themselves in the celebration of Mass, since they themselves effect and offer the sacrifice of Christ by a sacramental act either singly or together with other priests, and by Communion participate in it.2

It is therefore fitting that priests celebrate or concelebrate Mass in order that they may more fully participate in the Mass in the way proper to them and not simply receive Communion after the manner of the laity.3

Since, however, many questions have been raised about the correct interpretation of the *General Instruction on the Roman Missal* (nn. 76 and 158), the Sacred Congregation For Divine Worship makes the following declarations:

1. Capitulars and members of communities of any institute of perfection who arc by office obliged to celebrate for the pastoral good of the faithful, may on the same day also concelebrate the conventual or "community" Mass.4 The concclcbration of the Eucharist must be greatly esteemed in communities. The fraternal concclcbration of priests expresses and strengthens the bonds between them5 and those of the whole community because in the celebration of this kind of sacrifice in which all participate consciously, actively and in the manner proper to each one, there is seen more clearly the action of the total community and there is a striking manifestation of the Church in unity of sacrifice and priesthood in a unique act of thanksgiving around one altar.6

2. lie who concelebratos at the principal Mass on the occasion of a pastoral visitation or a special gathering of priests, eg., a pastoral convention, a congress, a pilgrimage, in accord with n. 158 of the *General Instruction on the Roman Missal,* may again celebrate a Mass for the benefit of the faithful.

3. On the other hand the following must be observed:

a) Bishops and competent superiors7 should sedulously take care that concclcbration in communities and in gatherings of priests be

2Cf. S. C. Rit., decree, 7 March, 1965 *(AAS,* 57 11965|. 410-411 ; reported in *Canon Law Digest.* 6, pp. 105-107.

3Cf. S. C. Rit., *Instr, on Eucharistic Worship,* 25 May, 1967, n. 43; complete document reported in *Canon Law Digest,* 6, pp. 518-549.

4Cf. *Gen. Instr, on Rotn. Missal,* n. 76.

sCf. Vat. Coun. II· *Dog. Const, on the Church,* n. *23. Deer. on Priestly Min.,* n. 8.

6Cf. S. C. Rit., decree, 7 March, 1965; *Instr, on Eucb. Worship,* 25 May, 1967, n. 47.

Cf. *Gen. Instr, on Roni. Missal,* n. 155.

performed with dignity and real piety. To this end and for the fuller attainment of spiritual benefit, the liberty of the concélébrants should always be considered and their internal and external participation fostered through a genuine and complete arrangement of the celebration in accord with the norms of the *General Instruction on the Roman Missal,* the execution of all the parts of the Mass according to their own proper nature,8 the distinction of functions and offices, attention to the importance of singing and of sacred silence.

b) Priests who celebrate for the pastoral good of the faithful and concelebrate a second Mass, are not allowed by any title to accept a stipend for the concelebrated Mass.

c) Although concélébration is the outstanding form of Eucharistic celebration to be had in communities, celebration itself without participation of the faithful also "nevertheless remains the center of the whole Church and, as it were, the heart of priestly existence."9

Wherefore, the right of each priest to celebrate an individual Mass must be protected;10 for the fostering of this freedom all those things should be available as regards time, place, server and the other adjuncts of celebration which render this celebration easy.

After having taken counsel with the Sacred Congregations to which the matter pertains, the Supreme Pontiff, Paul VI, on the 7th day of the month of August in the year 1972, ratified and confirmed this declaration as it is drawn up and ordered that it be published.

From the offices of the Sacred Congregation for Divine Worship, the 7th day of the month of August in the year 1972.

AAS 64-561; S. C. Cult. Div., declaration, 7 Aug., 1972. Annotations in *Corn, pro Rel.,* 53 (1972),366-368 (Gorricho); *Notitiae,* 8 (1972),329-332 (G. P.).

CANON 806

Priest; Reception of Communion and Later Celebration of Mass(S. C. Rit., 3 Feb., 1968) Private.

Question. The Rev. Timothy de Urquiri of the Claretian Fathers proposed the following to the Sacred Congregation of Rites:

*Cf. S. C. Rit., *Instr, on Mustc in the Sacred Liturgy,* 5 March, 1967, n. 6. AAS, 59 (1967), 302; *Canon Law Digest,* 6, p. 737.

9Cf. Synod of Bishops; *Tbe Ministerial Priesthood,* part 2, n. 4; AAS, 63 (197D.914; complete document reported in this volume of *Canon Law Digest,* under canon 329.

S. C. Rit., *Instr, on Euch. Worship,* 25 M-.y, 1967, n. 47.

According to the instruction, *Inter oecuntenici,* the *faithful* who shall have received Communion in the Mass of the Easter Vigil or in the midnight Mass of Christmas, may go to Communion in the second Mass of Easter and in one of the Masses which are celebrated on Christmas in the daytime (n. 60)?

Similarly, according to the instruction, *Tres abhinc annos,* (η. 14) the *faithful* who shall have gone to Communion at the Mass of the Chrism on Holy Thursday, may again go to Holy Communion at the evening Mass of the same day.

Further, these provisions are repeated in the *Instruction on Eucharistic Worship,* of 25 May, 1967?

In view of what has been set forth above, the above-mentioned petitioner. submits the following question for opportune solution, namely:

Whether under the word, *faithful,* in the instance also come *priests,* so that those priests who shall have received Communion in the Mass of the Easter Vigil, the midnight Mass of Christmas, and in the Mass of the Chrism on Holy Thursday may celebrate the festal Mass of Easter and also, if they have an induit, two or three times; may celebrate three Masses on Christmas; and, finally, may celebrate the evening Mass on Holy Thursday?

Reply. After having listened to the opinion of the Liturgical Commission and after having naturely weighed the matter, the Sacred Congregation of Rites has decided to reply to the proposed question:

a) As regards Easter Sunday and Holy Thursday: *In the affirmative.*

b) As regards Christmas: if they shall have received Communion at midnight, they may celebrate only two Masses.

It has been thus replied and declared, the 3rd day of February, 1968.

(Private); S. C. Rit., reply, 3 Feb., 1968, Prot. N. C. 12/968; reported by Ochoa in *Leges Ecclesiae,* vol. 3, n. 3624.

1 Reported in *Canon Law Digest,* 6, p. 89.
2 Reported in *Canon Law Digest, 6, p. 135.*
3 Reported in *Canon Dw Digest,* 6, pp. 518-549.

Weekday Bination Permitted to Help Seminaries (S. C. Inst. Cath., 24 July, 1969) Private.

The following declaration was issued by the S. C. for Catholic Education.

In view of the economic hardships by which seminaries in some countries arc pressed, the Supreme Pontiff, Pope Paul VI, on 24 October, 1968, again graciously granted for a five-year period that local Ordinaries may give the priests who celebrate Mass in their dioceses the faculty to accept stipends for two Masses on weekdays on condition, however, that the bishops assign the stipends to the diocesan seminary and also to other diocesan needs, after having provided, if need be, for the priest-celebrant's inconvenience and poverty.

Very worthy of praise are those local Ordinaries who wish to give some part of these stipends to the Sacred Congregation for Catholic Education to provide help to poor seminaries.

From Rome, from the offices of the Sacred Congregation for Catholic Education, the 24th day of July, 1969.

(Private); S. C. Inst. Cath., Declaration, Prot. N. 688/63, 24 July, 1969. Copy of original kindly sent us by the General Secretary of N.C.C.B.

Trination on Saturdays and Days preceding Holydays (S. C. Sacr., 20 Jan., 1970) Private.

The Sacred Congregation for the Sacraments granted to all the Ordinaries of the United States the faculty, in accord with their judgment and conscience, to permit priests to celebrate Mass three times on Sundays and days preceding holydays of obligation, provided the first and second Masses are celebrated for weddings and funerals and the third Mass is celebrated in the evening so that the precept may be satisfied by the faithful. The acceptance of a stipend is prohibited except for a single Mass. The induit is valid for three years.

(Private); S. C. Sacr.. induit. 20 Jan., 1970; reported in *Newsletter-Bps Coni.* Lit., 6 (April-May, 1970),1.

CANON 815

Altar Wine: Addition of sugar: a clarification of the permission reported in *Canon Law Digest,* 6, p. 551, states that the said permission was not general but granted to one particular bishop, for one particular case, namely, for the making of wine from *grapes* grown in *Nepal* and not for wine made from raisins; reported in *Clergy Monthly,* 32 (1968), 183.

CANON 818

New Roman Missal (Paul VI, 3 April, 1969) AAS 61-217.

After a brief summary of the history of the formation of the Roman missal and a reference to the Second Vatican Council's prescription that "the rite of the Mass is to be revised in such a way that the intrinsic nature and the purpose of its several parts, as also the connection between them, may be more clearly manifested and that devout and active participation by the faithful may be more easily attained,"* this apostolic constitution, *Missale Romanum,* continues:

And now let us show the new composition of the Roman missal, at least in its broadest lineaments. First of all, we turn to the *General Instruction* which we have used in the book as a preface and which proposes the new norms for celebrating the Eucharistic sacrifice, both as regards the rites to be performed and the functions proper to each attendant and participant, and as regards the furnishings and places necessary for the sacred performance.

The main innovation must be considered to be in the Eucharistic prayer, as it is called. Although in the Roman rite the first part of this prayer, i. e., the preface, has, through the centuries, taken on different formulas, still the second part, which is called the Canon of the Action, took on an unchangeable form during the period from the fourth to the fifth century, while, on the contrary, the Eastern liturgies admitted a certain variety in their anaphoras. However, in this matter, besides the fact that the Eucharistic prayer has been enriched with a large number of prefaces which have been derived from the ancient tradition of the Roman Church or which have just now been drawn up for the first time, We have decided to add three new canons to the Eucharistic prayer. Thus the particular phases of the mystery of salvation will be more clearly brought to light and several richer themes of thanksgiving will be afforded.

'Const, on tbe Sacred Liturgy, n. 50. Translation of the complete text of this introduction can be found in *Catholic Mind,* 67 (June, 1969), 56-57; *The Pope Speaks,* 14 (1969-70), 165-166.

On the other hand, for pastoral reasons, as they say, as well as for a more convenient performance of concélébration, We have ordered that the words of the Lord in every form of the canon be one and the same. And so in every Eucharistic prayer We wish that the words be spoken as follows: over the bread: *Accipite et manducate ex hoc omnes: hoc est enim corpus meum, quod pro vobis tradetur;* and over the chalice: *Accipite et bibite ex eo omnes: hic est enim calix sanguinis mei novi et aeterni testamenti, qui pro vobis et pro multis effundetur in remissionem peccatorum. Hoc facite in mean commemorationem.* [7 ai] The words, *mysterium fidei,* have been removed from the setting of the words of Christ the Lord and are spoken by the priest and open the way, as it were, to the acclamation by the faithful.

As for the rite of Mass, "the rites have been simplified, due care having been taken to preserve their substance."[8] Those elements "which in the course of time came to be duplicated or were added with but little advantage,"[9] have been dropped, especially those affecting the rite of offering the bread and wine and the rite of the breaking of the bread and of Communion.

In addition, "some elements which suffered injury from time have been restored in keeping with the pristine norm of the Fathers."[10] In this class arc the homily,[11] the universal prayer or prayer of the faithful,[12] and the penitential rite or rite of reconciliation with God and the brethren which is to be performed at the beginning of the Mass and whose importance, as is proper, has been restored.

Again, in accord with that prescription of Vatican Council II which prescribed "that in the course of a certain number of years the more notable part of the holy Scriptures be read to the people,"[13] the complete course of readings for Sundays has been distributed over a three-year period. Further, on feast days the

[7a] These formulae of consecration had previously been sent to the presidents of episcopal conferences and to presidents of liturgical commissions by a declaration of the Cone. Com. Lit. on 6 Nov., 1968 which is reported above under canon 2. Footnotes 1-7 occurred in the introductory section of this apostolic constitution.

[8] Cf. Const *on the Liturgy,* n. 50

[9] Cf. *Ibid.*

[10] Cf. *ibid.,* n. 52.

[11] Cf. *ibid.,* n. 53.

[12] Cf. *ibid.,* n. 51.

epistle and gospel arc preceded by another reading taken from the Old Testament or, during the paschal season, from the *Acts of the Apostles.* In this plan the continuing process of the mystery of salvation is more clearly illustrated and shown by the revealed word of God. This very broad selection of biblical readings which on feast days sets forth for the faithful the more notable part of the sacred Scriptures, is actually completed by access to the remaining parts of the sacred books which are read on the other days.

All this, to be sure, has been arranged in this way so that more and more there may be stirred up in the faithful a hunger for the word of God14 whereby, under the leadership of the Holy Spirit, the people of the new covenant may seem to be driven on, as it were, to the perfect unity of the Church. With these matters thus arranged, We also ardently hope that the priests and the faithful together will more devoutly prepare their soul for the Lord's Supper and, having together meditated more deeply on the sacred Scriptures, will each day be more richly nourished by the word of God. Finally, from this it will follow that, as the Sacred Vatican Council wished, sacred Scripture will be looked upon by all as a kind of perpetual font of the spiritual life, the prime instrument for handing on Christian doctrine and, finally, the quintessence of theological study.

Furthermore, in this revision of the Roman missal, not only have these three parts We have till now spoken of, been changed, namely, the Eucharistic prayer, the rite of Mass, and the arrangement of readings, but also the other sections which make up the missal have been reviewed and notably changed, i.e., those which are called the Proper of Seasons, the Proper of Saints, the Common of Saints, the Ritual Masses, the Votive Masses. In these sections a special diligence has been exercised regarding the orations which have not only been numerically increased so that new orations may correspond to the new needs of these times but also the oldest of them have been restored to fidelity with the ancient texts. As a result, a daily different oration has been added to each weekday of the principal liturgical seasons, namely. Advent, Christmas, Lent and Easter.

For the rest, although the text of the *Roman Gradual* has not been changed, at least as far as the chants are concerned, nevertheless, for the sake of easier understanding, the responsoria! psalm which is often referred to by St. Augustine and St. Leo the Great, and the

14Cf. *Amos,* 8:11.

Introit and Communion antiphons which are to be used on occasion of read Masses, have been restored.

In conclusion, We now wish to make obligatory and effective what We have up to the present set forth regarding the new Roman missal. When Our predecessor, St. Pius V, promulgated the official edition of the Roman missal, he presented it to the Christian people as a kind of instrument of liturgical unity and at the same time as a testimonial of genuine religious worship in the Church. Although by prescription of the Second Vatican Council We have admitted into the new missal "legitimate variations and adaptations,"15 We, no less than Our predecessor, still hope that this missal will be accepted by the faithful as a help to testifying to and confirming the mutual unity of all and that, with its use in so great a variety of languages, one single prayer will rise with greater fragrance than any incense to our Father in heaven through our high priest, Jesus Christ, in the Holy Spirit.

What We have prescribed in this Our constitution will begin to bind on the 30th day of next November of this year, that is, on the first Sunday of Advent.

We wish these Our statutes and prescriptions to be and to remain in the future firm and effective, notwithstanding, as far as may be necessary, the apostolic constitutions and ordinations issued by Our predecessors and other prescriptions, even those deserving special mention and derogation.

Given at Rome, at St. Peter's, on the 3rd day of April, Holy Thursday, in the year 1969, the sixth of Our pontificate.

AAS 61-217; Paul VI, Apostolic Constitution, 3 April, 1969. Annotations in *Amer. Eccles. Rev.,* 161 (1959), 51-54 (Lecuyer); 192-203, 306-409 (McManus): *Austral. Catb. Rec.,* 46 (1969), 237-250 (Murphy); *Clergy Monthly, 33* (1969), 448-457 (Dupuis); *Epbem. Liturg.,* 98 (1969), 357-432 (Braga, Brandolini, Franquesa, Pistoia, Famoso).

New Roman Missal Promulgated (S. C. Rit., 6 April, 1969) Private.

The following decree issued by the Sacred Congregation of Rites was not published in *AAS* but as the first document at the front of the new edition (1969) of the *Ordo Missae.*

15Cf. *Const, on the Liturgy,* nn. 38-40.

The Rite of Mass *(Ordo Missae)* has been reviewed in accord with the *Constitution on tbe Sacred Liturgy*[1] and was approved by the Supreme Pontiff, Paul VI, by his apostolic constituion, *Missale Romanum,*[2] issued on 3 April, 1969. By special mandate of the said Supreme Pontiff, this Sacred Congregation of Rites is promulgating the *Rite ofMass* and stipulates that it begins to bind on the 30th day of November of this year, 1969, the first Sunday of Advent.

Together with the *Rite of Mass,* the *General Instruction on the Roman Missal* is also being published and will replace the following documents: *Rubricae generales, Ritus servandus in celebratione* and *in concelebratione Missae,* and *De Defectibus in celebratione Missae occurrentibus* which are presently found at the beginning of the Roman missal. It is further decreed that this *General Instruction on the Roman Missal,* which has also been approved by the Supreme Pontiff, begins to bind on the same 30th day of November together with the revised *Rite ofMass.*

All things to the contrary notwithstanding.

From the offices of the S. Congregation of Rites, Easter Sunday, the 6th day of April, 1969.

(Private); S. C. Rit., Decree, Prot. N. R 22/969, 6 April, 1969.

NOTE: For the adaptations made by the National Conference of Catholic Bishops for the Dioceses of the United States relative to the *General Instruction on tbe Roman Missal,* see *Appendix I* of *Tbe Roman Missal· General Instruction and the Order of the Mass,* pp. [36]-[39], published in 1970 by The Liturgical Press, Collegeville, Minn., 56321.

Annotations on *Ordo Missae: African Eccles. Rev.,* 11 (1969), 360-363 (Geerdes); *Hom. and Past. Rev.,* 70 (1969-70), 338-344 (Herbst); 520-524 (Botte).

Annotations on *General Instruction: Clergy Review,* 54 (1969), 817-821, 884-894 (O'Connell).

New Mass Lectionary Promulgated (S. C. Cult. Div., 25 May, 1969) AAS 61-548.

The Commission for the Implementation of the Constitution on the Sacred Liturgy has prepared a sequence of readings from the sacred scriptures to be used at Mass in accord with the *Constitution on tbe Sacred Liturgy,* so that a richer table of the word of God

1 Reported in *Canon Law Digest,* 6, pp. 32-67.

2 Reported above under this same canon.

could be set for the faithful, the treasury of the bible could be more generously opened, and, within the stipulated span of years, rhe more noteworthy section of the holy scriptures could be read to the people (art. 51). The Supreme Pontiff, Paul V, approved it in his apostolic constitution, *Missale Romanum*^ issued on 3 April, 1969,

Therefore, this Sacred Congregation for Divine Worship, by special mandate of the Supreme Pontiff, promulgates the said sequence of readings for Mass and stipulates that it go into effect on the 30th day of November of this year, 1969, the first Sunday of Advent. During the next liturgical year, series B of the Sunday readingswill be used and series II of the first readings on weekdays "through the year."

Since only indications are given in the present sequence for the individual readings, the episcopal conferences arc to see to it that the complete texts are prepared in vernacular versions in keeping with the norms which were set down in the instruction on the composition of vernacular versions issued by the Commission for the Implementation of the Constitution on the Sacred Liturgy on 25 January, 1969.2 The texts for the people, however, should be taken from versions of the sacred scripture which have already been legitimately approved for the individual regions and confirmed by the Apostolic Sec or, if they are newly made, should be submitted to this Sacred Congregation for confirmation.

All things to the contrary notwithstanding.

From the offices of the S. Congregation for Divine Worship, the 25th day of May, 1969, Pentecost Sunday.

AAS 61-548; S. C. Cult. Div., Decree, 25 May, 1969. This document is also reported in *Notitiae,* 5 (1969), 237 with Prot. N. 106/69. Annotations in *Epbent. Liturg.,* 98 (1969), 436-451 (Fontaine).

New Mass Lectionary: Editions and Use (S. C. Cult. Div., 25 July, 1969). Private.

Following is the "Instruction on the preparation of editions of and on the use of the new Mass lectionary' *(Ordo Lectionum Missae).*"

l Reported above under this same canon.

Reported in *Notitiae,* 5 (1969), 3-12; English version in *African Eccles. Rev.,* 11 (1969), 191-198; *Catholic Mind,* 67 (April, 1969), 49-56.

In the decree which promulgated the new Mass lectionary it was stipulated that it began to bind as of 30 November, 1969, the first Sunday of Advent. Furthermore, it was left to episcopal conferences to prepare editions of the said lectionary with the texts written in the vernacular.

However, in view of the difficulties which the preparation of these editions will certainly entail, this Sacred Congregation for Divine Worship, with the approval of the Supreme Pontiff, thinks it timely to proffer the following indications whereby the work of episcopal conferences may be guided and rendered easier.

1.The first Sunday of Advent of 1969 must be considered as the first day when the new Mass lectionary will be able to be used. On this date the new *Ordo Missae* will also begin to obtain. It will grant authorization to form an organized corpus of liturgical texts and rites to provide, from a pastoral viewpoint, a richer form of Eucharistic celebration. On the other hand, use of the new lectionary] may be introduced by stages.

2.The great number of readings will require that the new lectionary be published in several distinct volumes. Care for the distribution of the materials in the individual volumes is left to the episcopal conferences which will bear in mind how they may be more easily used in a liturgical celebration.

Hence arises the opportunity for a more appropriate ordering of the work in preparing editions.

3. Care should be spent, first of all, in publishing the volumes of the lectionary for Sundays and feast days. In fact, it is preferable that a volume or, at least, part of a volume should be prepared at once and contain series B of the Sunday readings which will have to be used during the coming liturgical year. It is hoped that this can be done during the short span of time which remains before the 30th of November. In the time that follows, other volumes for the following years can be prepared with greater tranquility'

4. With reference to the weekday' lectionary, since nearly everywhere there already arc in use experimental programs, there is less urgency in this regard and the programs presently in use may' be temporarily continued until an edition of the new weekday lectionary is ready.

5. For the same reason, the parts of the lectionary' which pertain to the Common of Saints, votive Masses, and Masses for the dead can be temporarily kept as they exist in the Roman missal. It is preferable that readings of this kind should be published together with the weekday lectionary.

6. In the preparation of editions of the new lectionary, the pnn ciplcs set down in the instruction, *De popularibus interpretationibus conficiendis,*[1] issued on 25 January, 1969, by the Commission for the Implementation of the Constitution on the Sacred Liturgy should be observed. If texts are taken from vernacular versions of sacred scripture which have already been approved according to the law and bave *been confirmed for liturgical use by the Apostolic See,* they do not need a new confirmation. On the other hand, if they are taken from translations of sacred scripture which have not been approved for liturgical use or have been newly made, they must be transmitted to the Sacred Congregation for Divine Worship for confirmation *even if there is question of translations made for the interim* (cf. the declaration on translations of liturgical texts made for the interim[2] which was published in *Notitiae,* 5 (1969), 68).

7. In view of these points, it is decreed that the new Mass lectionary begin to be used as of the 30th of November, 1969, in accord with the stipulations of the episcopal conferences. Therefore, after vernacular editions of the said lectionary shall have been prepared and, if need be, shall have received the necessary confirmation by this Congregation, the episcopal conferences have the authority to set the best date when the new Mass lectionary may or must be used.

From Vatican City, the 25th day of July, 1969.

(Private); S. C. Cult. Div., Instruction, Prot. N. 838/69; reported in *Notitiae,* 5 (1969), 238-239.

Gradual Application of *Missale Romanum* (S. C. Cult. Div., 20 Oct., 1969) AAS 61-749.

Following is the "Instruction *{Constitutione Apostolica]* on the gradual putting into effect of the apostolic constitution, *Missale Romanum."*

By the apostolic constitution, *Missale Romanum,* issued by the Supreme Pontiff, Paul VI, on 3 April of this year, the new Roman

[1] Reported in *Notitiae,* 5 (1969), 3-12; English version in *African Eccles Rev.*. 11 (1969), 191-198-, *Catholic Mind. 67* (April, 1969), 49-56.

[2] Reported above in this volume under canon 2.

missal, revised on decree of the Second Vatican Council, was approved. To date, three parts of the missal have appeared, namely, the *General Instruction on the Roman Missal* and the *Rite of Mass* which were promulgated by the S. Congregation of Rites in its decree of 6 April, 1969, and the *Mass Lectionary* which was published by this Sacred Congregation on 25 May, 1969,* The other parts of Roman missal will appear shortly.

The above-mentioned documents stipulated that as of the 30th day of November, the first Sunday of Advent, of this year, the new rites and rhe new texts must be used. As a matter of fact, however, the execution of this part of the restored Mass presents difficulties which are neither few nor small: on the one hand, enormous work is required to prepare vernacular translations and new editions of the books; on the other hand, accurate and suitable instruction must be given; and, again, the customs of priests and faithful must be changed apropos.

Consequently, in response to the petitions of many bishops and episcopal conferences, this Sacred Congregation for Divine Worship, with the approval of the Supreme Pontiff, has set down the following norms whereby the apostolic constitution, *Missale Romanum,* may be gradually put into effect. These norms complete those which were published by this Sacred Congregation on 25 July, 1969l relative to the editions and the use of the new Mass lectionary.

I. The Rice of Mass

1. The Latin text of the *Ordo Missae* may be used from the 30th day of November, 1969.

2. On the other hand, the episcopal conferences should determine the date from which the vernacular text of the said *Ordo Missae* may be used. It is desirable, however, that vernacular versions of the texts of the new *Ordo Missae* be made as soon as possible and, after they have been approved, be put into use even before the other texts of the Roman missal are translated into the vernacular.

3. Vernacular versions of the new *Ordo Missae* are to be approved, at least on a temporary basis, by the episcopal conference (or by the national liturgical commission and at least by the council

*/\ll the cited documents are reported above under this same canon.

|*AAS* 61 (1949), 548-549. *Translator's note* This reference to *AAS* is incorrect. The cited document was not published in ,4/lS but in *Notitiae,* 5 (1969), 238-239 and is reported above under this same canon.

which presides over the episcopal conference). They are also to be submitted for confirmation by this Sacred Congregation?

4. There should be one vernacular version of the texts of the *Ordo Missae* for all regions using the same language? This obtains also for other parts which require direct participation by the people.

5. It belongs to the episcopal conferences to approve new musical settings for the parts to be sung in the vernacular by the celebrant and the ministers.[4]

6. Before the rites and texts of the new *Ordo Missae* are put into use, timely catechesis should be given so that the priests and the faithful will be able to perceive and comprehend the spiritual force of the new norms. To this end, the conferences, the national liturgical institute, and diocesan liturgical commissions should supply help by the more appropriate devices (for example, study, congresses, written articles in daily papers or other forms of published commentaries, radio and television broadcasts, etc.).

7. With exception of the cases mentioned below in nn. 19-20, each episcopal conference should also set the date from which it will be obligatory to use the *Ordo Missae.* However, that date is not to be put off beyond 28 November, 1971.

8. Furthermore, it belongs to the episcopal conference, with the assistance of the competent episcopal commissions and liturgical institutes, to make the necessary decisions regarding those elements which are left to them to decide in the *General Instruction on the Roman Missal,* namely:

a) the gestures and postures of the people during the Mass?

2Cf. "Declaratio circa interpretationes textuum liturgicarum 'ad interim' paratas" in *Notitiae,* 5 (1969), 68; reported above in this volume under canon 2.

' Letter to presidents of episcopal conferences, "De unica interpretatione liturgica populari in linguis pluribus in locis usitatis" 16 October, 1964, in *Notitiae,* 1 (1965), 195-rcported in *Canon Law Digest,* 6, pp. 99-100, Instruction sur la traduction des textes liturgiques pour la celebration avec le peuple," 25 January, 1969, nn. 41-42. in *Notitiae,* 5 (1969), 11-12 – English version in *African Eccles. Rev.,* 11 (1969), 191 -198; *Catholic Mind,* 67 (April, 1969), 49-56.

Instruction, *Inter oecumenici,* 26 September, 1964, n. 42; instruction, *Musteam sacram. 5* March, 1967, n. 57; both documents reported in *Canon Law Digest,* 6, pp. 7 3-99 and 7 35-754 respectively.

5Cf. *Gen Instr.,* n. 21.

b) the gestures of veneration of the altar and the book of gospels.6

c) the gesture for the sign of peace.7

d) the faculty to use only two readings in Masses on Sundays and holydays of obligation.8

e) the faculty whereby women may be allowed to proclaim the biblical readings which occur before the gospel.9

II. Other Texts of the Roman Missal

9. The Latin text of the Roman missal may be used as soon as it has been brought to light.

10. Each episcopal conference should set the date from which the vernacular versions of the texts of the new missal may be used. In this matter, however, a gradual introduction is allowed. As soon as vernacular versions of some texts have been approved, they can be brought into use one after the other without necessarily waiting until all the texts have been translated into the vernacular. In this plan, the texts pertaining to the Proper of the Seasons, for example, can be brought into use even though the texts of the Proper of the Saints or of the Commons or of the Masses for various occasions or of the votive Masses have not yet been prepared. It is advisable, however, that the sections of new texts be introduced into the liturgy' at the beginning of a liturgical season of the year (e.g., Advent, Lent, Easter).

11. Vernacular versions of the new texts of the Roman missal are to be approved, at least on a temporary basis, by the episcopal conferences (or by the national liturgical commission and at least by the council which presides over the episcopal conference). They are also to be submitted for confirmation by this Sacred Congregation.10

6Cf. *ibid.,* n. 232.
7Cf. *ibid.,* n. 56, b.
8Cf. *ibid.,* n. 318.
9Cf. *ibid.,* n. 66.

Translator's Note- For the adaptations made by the National Conference of Catholic Bishops for the dioceses of United States relative to these points, see *Appendix I of The Roman Missal General Instruction and the Order ofMass,* PP 136]-| 39), published in 1970 bv the Liturgical Press, Collegeville, Minn., 56321.

1 °Cf. above, n. 3.

12. It is up to the episcopal conferences to prepare a collection of vernacular texts which may be used as songs at the entrance, the offertory and Communion.[11] When the episcopal conference approves this kind of collection, it should at the same time earnestly encourage men with experience in this field to enlarge and perfect the collection by taking into consideration the texts published in the new missal as well as the nature and special characteristics of each language.

13. When the new *Ordo Missae* is used before publication of the new Roman missal, the texts of the antiphons and orations should be taken from the current missal but attention should be given to the following points:

a) If the entrance antiphon is uttered without being sung, it should be recited only once without the psalm verse and without the *Glory be to the Father.*[12]

/;) If the offertory antiphon is not sung, it is omitted.[13]

c) The orations over the gifts and after Communion have the short conclusion.[14]

14. With the exception of the cases mentioned below in nn. 20-21, each episcopal conference should determine the date from which the texts of the new Roman missal must be used. It is preferable that the span of time should not be prolonged beyond 28 November, 1971.

III. The Mass Lectionary

15. Each episcopal conference should set the date from which the new Mass lectionary may or must be used.

16. While awaiting the translation of the text of the new readings and their confirmation by this Sacred Congregation, the episcopal conferences can grant authorization for the interim use of one or several of the already duly-approved translations of the sacred books. In this case, however, they will take care that the priests have at hand the necessary biblical indications (that is, the numbers of the chapters and verses, the manner of introduction, the division of the sections) which are found in the Mass lectionary. This is especially

Cf. *Gen. Instr.,* nn. 26, 50, 56. c.
[12] Cf. *ibid.,* n. 26.
[13] Cf. *ibid.,* n. 50.
[14] Cf. *ibid.,* n. 32.

true of the readings of the B cycle for Sunday which must be used as of 30 November, 1969.

17. Until the texts of the new lectionary are available, the readings of today's Roman missal should be retained for the individual parts. Likewise, the lectionaries already approved as an experiment and now in use on weekdays may be kept for the present for Masses connected with the celebration of some sacraments, for Masses for the dead, for certain votive Masses, etc.15

18. In order to preserve the liturgical and pastoral importance of the responsorial psalm, the competent national commissions should draw up a provisional list of psalms and verses. From the collection which is now in use they should choose those which better correspond to the lectionary texts.16

On the other hand, the said commissions should not fail to encourage men with experience in this field earnestly to enlarge and perfect the heritage of these texts and melodies by taking into consideration the texts published in the new Mass lectionary as well as the nature and special characteristics of each language.

A collection of the same type should be drawn up also for the versicles before the gospel.

IV. Certain Special Cases

19. Elderly priests who celebrate Mass without a congregation and who would perhaps experience rather serious difficulties in the use of the new rite of Mass and the new texts of the Roman missal and the Mass lectionary, may, with the consent of their Ordinary, retain the rites and texts which are presently in use.

20. Special cases, however, such as priests who arc weak or who are laboring from illness or other hardship, should be proposed to this Sacred Congregation.

The Supreme Pontiff, Pope Paul VI, approved the present instruction on 18 October, 1969, and ordered that it be made part of public law and that it be accurately observed by all whom it concerns.

All things to the contrary notwithstanding.

From Vatican City, the 20th day of October, 1969.

AAS 61-749; S. C. Cult. Div., Instruction, 20 Oct., 1969. This Instruction is also published in *Notitiae,* 5 (1969), 418 where it carries Prot. N. 1399/69.

15 Instruction "De editionibus apparandis et de usu novi Ordinis lectionum Missae," 25 July, 1969, nn. 4-5.

16 Cf. also the common texts for saying the responsorial psalm in nn. 174-175 of the Mass lectionary.

Roman Missal: Some New Norms (S. C. Cult. Div., 10 Nov., 1969) Private.

The following letter was sent to the presidents of all episcopal conferences.

Your Excellency,

Since some episcopal conferences, while taking steps to have new editions of the Roman missal prepared with the text in the vernacular, have asked whether the Latin text must, by precept, be added io the vernacular version, this Sacred Congregation, after mature consideration of the matter and with the approval of the Supreme Pontiff, decrees the following:

1.The Latin text will not necessarily have to be printed in editions of the Roman missal which are destined for liturgical use and which contain the vernacular text.

2. On the other hand, to render celebration easier for priests who do not know the local language, all missals in the vernacular *must include* in an apt place (e.g., in an appendix) *in the Latin language*

a) the entire *Ordo Missae* together with some prefaces and the four Eucharistic prayers.

b) some Mass formularies which can be used in keeping with the changes of days or of liturgical seasons.

The texts which must be included in this program are contained in the accompanying fascicle.

3.Bishops, however, should take care that every church have on hand a copy of the Roman missal in the Latin language. Likewise, sanctuaries should have available for easy use the text of the Mass proper.

(Private); S. C. Cult. Div., Letter, Prot. N. 1560/69, 10 Nov., 1969; reported in *Notitiae,* 5 (1969), 442. The accompanying fascicle referred to in the letter is printed on pp. 443-457 and contains 12 Mass formularies and a general formula for the prayer of the faithful.

Roman Missal: Declaration Regarding the General Instruction (S. C Cult. Div., 18 Nov., 1969) Private.

This declaration is preceded by an official notation:

This "declaration" was added when, in November, 1969, it ws *necessary to reprint the volume of "Ordo Missae." It intends to render the nature oj the "General Instruction" clearer and to put to*

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flight doubts and anxieties, if any still remain, regarding the doctrinal points which are touched on by the instruction. An accurate and profound study of the said instruction very clearly shows that the shouted doubts and critical observations regarding the doctrine presented by the instruction are absolutely devoid of all foundation.

The *General Instruction on the Roman Missal* which will be used as an introduction to the Roman missal which has been revised by reason of a decree of the Second Vatican Council, and which is now prefixed to the *Ordo Missae,* was elaborated by the Commission for the Implementation of the Constitution on the Sacred Liturgy with the assistance of men who are outstanding in this area and who are particularly expert in theological and pastoral learning. After it had been accurately examined, it was approved by the cardinals and bishops of the Commission itself who were appointed to the said Commission by the Roman Pontiff from different regions of the world (cf. *Const, on the Lit.,* art. 25).

The said instruction faithfully repeated and brought to a head the doctrinal principles and practical norms which relate to the cult of the Eucharistic mystery and which are contained in the Council's own constitution, *Sacrosanctum Concilium* (4 Dec., 1963), the encyclical, *Mysterium Fidei* (3 Sept., 1965) issued by the Supreme Pontiff, Paul VI, and the instruction, *Eucbaristicum Mysterium,* of the S. Congregation of Rites (25 May, 1967).[1]

On the other hand, this instruction must not be construed as a doctrinal or dogmatic treatise but as a pastoral and ritual instruction in which the celebration and its parts are described but with due consideration of the doctrinal principles found in the above-mentioned documents. Rites flow out from the very doctrine and bring it into the open.

As a result, the instruction strives to exhibit the lines of the catechetical instruction which is to be given to the faithful and to supply the principal norms for the Eucharistic celebration for the use of those who, according to their diversity of rank and grade, take pan in the said celebration.

For this reason, when the typical edition of the Roman missal will be published, instead of the rubrical and ritual treatises which have been found in the Roman missal up to the present time, the *General*

[1] The constitution and the instruction are reported in *Canon Law Digest,* 6, pp. 32-67 and 518-549 respectively.

Instruction will be set at the front as an instruction. If any of the expressions shall need clarification so that pastoral and catechetical understanding and rubrical perfection may be more aptly provided, the Apostolic See will take care to effect it.

From Vatican City, the 18th day of November, 1969, the feast of the dedication of the basilicas of the apostles, Peter and Paul.

(Private); S. C. Cult. Div., Declaration, 18 Nov., 1969; reported in *Notitui,* 5 (1969), 417.

New Edition of Roman Missal (S. C. Cult. Div., 26 Mar., 1970) AAS 62-554.

Herewith the decree whereby "the new edition of the Roman Missal is promulgated and declared to be the typical edition."

Since the order for the celebration of the Eucharist has been established and since the texts pertinent to the *Roman Missal* have been approved by the apostolic constitution, *Missale Romanum'* issued by the Supreme Pontiff, Paul VI, on 3 April, 1969, this Sacred Congregation for Divine Worship, by mandate of the said Roman Pontiff, promulgates this new edition of the *Roman Missal* which was drawn up in accord with the norms of the decrcecs of Vatican Council II and delcares it to be the typical edition.

As regards the use of the new *Roman Missal,* however, use of the Latin edition is permitted as soon as it reaches the light of day, and appropriate accommodations can be employed relative to the celebration of feasts of saints until the revised calendar has been definitively brought into practice. On the other hand, the preparation of vernacular editions is entrusted to the care of the episcopal conferences which will specify the date from which the said editions, after due confirmation by the Apostolic See, will go into effect.

All things to the contrary notwithstanding.

From the offices of the Sacred Congregation for Divine Worship, the 26th day of March, 1970, Holy Thursday.

AAS 62-554; S. C. Cult. Div., decree, 26 Mar., 1970; the original of this decree had the Prot. N. 166/70.

Reported above under this same canon.

Roman Missal: General Instruction, n. 42 Interpreted (Com. Vat. II Interp., 11 Jan., 1971) AAS 63-329.

The Fathers of the Pontifical Commission for the Interpretation of the Decrees of the Second Vatican Council, when the following question was proposed in the plenary session, believed it should be answered as follows:

Question. Whether the words, *The homily should ordinarily be given by the celebrant himself,* by which the prescriptions of the constitution, *Sacrosanclum Concilium,* n. 52,[1] and the dogmatic constitution, *Dei Verbum,* n. 24 are made effective (cf. also the apostolic letter, *Sacram Liturgiam,* of 29 Jan., 1964, III;[2] the instruction of the S. C. of Rites, *Inter oecumenici,* of 26 Sept., 1964, nn. 53-55,[3] and the instruction of the Sacred Congregation for Divine Worship, *Liturgicae instaurationes,* of 5 Sept., 1970, n. 2)[4] must be so interpreted that those who are neither priests nor deacons but are men and women who, however, participate in the sacred liturgy, can give the homily?

Reply. *In the negative.*

Our Holy Father, Pope Paul VI, in the audience granted to the undersigned on the 11th day of January, 1971, ratified the aforesaid decision, approved it, and ordered it to be published.

AAS 63-329; Com. Vat. II Interp., reply, 11 Jan., 1971, section 1. Annotations in *Monit. Eccles.,* 97 (1972),323-327 (Carbone).

"Chasuble Without Alb" Vestment at Mass (S. C. Cult. Div., 1 May, 1971) Private.

At the request of some episcopal conferences, the Sacred Congregation for Divine Worship has conceded, for the celebration of Mass, the use of a special chasuble which is commonly called "the chasuble without alb" *{casula sine alba)* and which is described in the letter of concession, given below, in which are indicated also the conditions which must be observed in the introduction of this kind of liturgical garb.

[1] *Canon Law Digest,* 6, p. 48.
[2] *Canon Law Digest, 6,* p. 70.
[3] *Canon Law Digest,* 6, p. 88.
[4] *Canon Law Digest,* in this volume under canon 2.

The Sacred Congregation for Divine Worship has indeed received your request to be able to use, in liturgical celebrations, conformably with n. 304 of the *General Instruction on the Roman Missal, i* priestly vestment which has a very full form with the stole placed on top of it: a vestment which envelops the total body of the celebrant and which likewise replaces the alb.

1.This design can be regarded as in conformity with the general principles concerning liturgical vestments established by n. 297 of the *General Instruction on the Roman Missal.* As a matter of fact:

a) the importance given to the stole by wearing it on top of the vestment shows well the importance of the hierarchical ministr)'of the priest which consists in presiding over the assembly "in the person of Christ" (cf. *Prooemium,* n. 4; *Institutio,* n. 60);

b) this vestment, sufficiently full that it envelops the total body of the celebrant, and provided that it be artistically made of beautiful fabric, safeguards the sacred character of liturgical goods and adds an element of beauty.

2.As a consequence, the Sacred Congregation for Divine Worship, while considering the variety of actual pastoral situations, authorizes the use of the vestment under the following conditions:

a) For the regular celebration of Mass, especially in sacred places, the traditional liturgical vestment will continue to be worn: the amice (when it is necessary for covering the collar well), the alb, and chasuble in conformity with the prescribed regulations of the *General Instruction on the Roman Missal* (nn. 81, a; 298 and 299). Actually, it is appropriate from the start to take care of the maintenance of this prescription without, however, refusing to respond to the legitimate needs of the present time.

b) For concélébration, the *General Instruction on the Roman Missal* (n. 161) has confirmed the faculty granted to the concélébrants, with the exception of the principal celebrant, to wear just the stole over the alb. Thus a certain simplicity is preserved while wholly respecting the dignity and the sacred character of the liturgical service. It is fitting that, in this case, the principal celebrant wear the vestment described above in n. 2, *a).*

c) the new priestly vestment may be made use of in concélébration of Masses for particular groups, celebrations outside a sacred place, and in other similar cases where this solution is advisable by reason of places or persons. ■

d) with regard to the color, the only requirement for the new vestment is that the stole be of the color appropriate to the Mass.

3. It will be noted that the approbation of a new type of liturgical vestment should not arrest the research effort of artists and designers in what concerns both the form of the sacred vestment and the material and the color of fabric used on condition that this research is always careful to respond to the twofold requirement formulated by n. 297 of the *General Instruction on the Roman Missal* and recalled above, n. 1, *a)* and *b)*·. to show importance to the ministry of the celebrant, to guarantee the sacred character and the beauty of the liturgical vestment.

(Private); S. C. Cult. Div., rescript, 1 May, 1971, Prot. N. 1937/71 when it was first granted to the episcopal conference of France·, it was also granted to the episcopal conferences of Brazil, 31 May, 1971, Prot. N. 955/71; Argentina, 11 Feb., 1972, Prot. No. 333/72; reported in *Notitiae,* 9 (1973),96-98.

Host Fragments (S. C. Doct. Fid., 2 May, 1972) Private.

Since clarifications have been sought from the Apostolic See concerning the mode of conduct relative to host fragments, the Sacred Congregation for the Doctrine of the Faith issued the following declaration.

Since some questions have been referred to the Apostolic Sec regarding fragments which remain after Holy Communion, this Sacred Congregation, after having consulted the Sacred Congregations of the Sacraments and for Divine Worship, believes it must reply:

After Holy Communion, not only the hosts which remain and the particles of hosts which break off from them and retain the species of bread must be reverently conserved or consumed in keeping with the reverence due the Eucharistic presence of Christ, but also the prescriptions on the purification of the paten and chalice as had in the *General Instruction on the Roman Missal,* nn. 120, 138, 237-239, and in the *Rite of Mass* with a congregation, η. 138[1] and without a congregation, n. 31, should be observed. Hosts, however, which are not immediately consumed, should be carried by a competent minister to the place set aside for reservation of the Blessed Eucharist (cf. *Gen. Instr, on Rom. Missal,* n. 276).

(Private); S. C. Doct. Fid., declaration, 2 May, 1972, Prot. N. 89/71; reported in *Notttiae,* 8 (1972),227. Annotations; *tbtd.,* pp. 227-230 (Lccuycr).

'There is no n. 138 in the *Ordo Missae;* seemingly, the number should be; 109.-Trans.

Eucharistie Prayers (S. C. Doct. Fid., 12 Aug., 1972) Private.

The following was addressed to the Assembly of the Silent of the Church' in France.

You ask whether respect must be paid to the *Ordo Missae* of Paul VI and if the four canons [Eucharistic Prayersjcontinue to be used in the Mass.

The response is clear: only the four canons approved by the pope may be used in the Mass. The liturgy is the *public* worship of the Church and the pope is the supreme court for regulating the liturgy'. On the other hand, the canon is, in a certain manner, the heart of the liturgy. All other canons which are in circulation in various countries are *abuses.* Certainly, the priests who use them are neither obedient nor faithful to the pope.

From Rome, the 12th of August, 1972.

(Private); S. C. Doct. Fid., reply, 12 Aug., 1972; reported in *Doc. Cath.,* 69 (1972),919.

Liturgical texts: Norms tor translation: Cone. Com. Lit., instruction, 25 Jan., 1969, reported in *Notitiae,* 5 (1969), 3-12; Eng. vers, in *African Eccles. Rev.,* 11 (1969), 191-198; *Cath. Mind,* 67 (April, 1969), 49-56. *See also* c. 2; Cone. Com. Lit., declaration, 1969.

lhanksgiving Day: provisional Mass text approved for United States by S. C. Cult. Div., 1 June, 1969; reported in *Cath. Mind, 67* (Nov., 1969). 43-55.

Mass Lcctionary: Complete Latin text of, published and declared to be the "typical edition"; S. C. Cult. Div., decree, 30 Sept., 1970 (AAS 63-710).

Missal: Roman: *See* c. 2; S. C. Cult. Div., 14 June, 1971.

Temporary norms regarding chants. S. C. Cult. Div., 11 Nov., 1971; reported in *Notitiae,* 7 (1971),382-383.

Variations in the *General Instruction* on the, required by the suppression of the Order of Sudiaconate. S. C. Cult. Div., list, 23 Dec., 1972; reported in *Notitiae.* 9 (1973),34-38; *Newsletter Bps. Com. Lit.,* 9 (1973), no. 3.

Name of the 1-rench section of the International Federation *Pro hide et Ecclesia.*

CANON 822

Masses for Special Groups (S. C. Cult. Div., 15 May, 1969) AAS 61-806.

Following is the "Instruction *[Actio pastoralis]* on Masses for special groups."

Among the principal objectives which the Church's pastoral activity proposes to itself is the education of the faithful to take a greater part in the ecclcsial community so that each one may be actively associated in celebrations, especially liturgical, with his brethren in the communion of both the universal and the local church.

The liturgical assembly which is presided over by him who possesses the power of God, to convoke, govern, teach and sanctify the People of God, is a sign and instrument of the unity of the whole human race and, particularly, of the Church with Christ.1

This, to be sure, is effected and expressed by the celebration of the Eucharist in common, most of all on Sundays and feast days, around the bishop or in the parish assembly whose pastor takes the place of the bishop.2

However, pastoral care is also ordered and directed to particular groups, not with a view to promoting a kind of separation or to setting up *small churches* and privileges, but to meet the special needs of the faithful or to deepen their Christian life in keeping with the needs and formation of the members of those groups together with all the benefits which derive from the same special spiritual or apostolic bond and from the desire of mutual edification.

How efficaciously profitable special celebrations of this kind can be for these groups is well shown by experiential pastoral activity. For when they arc properly and wisely arranged and directed, they not only do not prove an obstacle to parish unity but they encourage its missionary activity inasmuch as some faithful are brought into closer contact with one another and others receive a deeper formation.

*Cf. Vat. Counc. II: *Const, on tbe Church,* n. 1; *Const, on the Liturgy,* n. 83. Latter document reported in *Canon Liw Digest,* 6, pp. 32-67.

2Cf. *Const, on the Church,* nn. 26, 28. *Const, on Lit.,* nn. 41-42; S. C. of Rites: Instruction *Eucharisticum Mysterium,* nn. 26-27 this last document reported in *Canon Law Digest,* 6, pp. 518-549.

Moreover, the vital strength of those groups springs from the fact that the study of Christian truth pursued in common as well as the common intent of each to conform his mode of life to that truth are linked together in what are referred to as prayer gatherings. These gatherings are conducted in ways and forms which are more of a piece with the group, especially in the reading of and meditation on the word of God and often in the celebration of the Eucharist which climaxes and, as it were, puts the crown on their gatherings.

In our time there is a strong desire in these groups to participate in the Eucharistic celebration. For this reason it seems timely to afford some norms for regulating such celebration so that it may always be performed with order, accuracy and gravity to the spiritual benefit of the participants and with due consideration of the proper nature of religious worship.

1. Diligent consideration should be given to whether, everything considered, the Eucharistic celebration will really contribute to pastoral activity in each case or whether some other form of religious celebration should be recommended.

2. Among the special groups in whose favor the Eucharist may be celebrated, are the following:

a) groups assembled to make a retreat, to pursue religious or pastoral studies, for one or several days, to conduct meetings of the lay apostolate or other like associations.

b) meetings of some section of the parish for the sake of pastoral action.

c) groups of the faithful who live in places far removed from the parish church and who at stated times come together to care for their religious formation.

d) groups of the faithful of the same condition who at definite intervals come together for education or for religious formation more attuned to themselves.

e) family groups gathered around the sick or the aged who are not able to go out of the house and who can never participate in the Eucharistic celebration. Moreover, their relatives and others who take care of them are also included.

f) family groups on the occasion of a wake or for some other exceptional religious occasion.

3. The Eucharistic celebration for special groups should, as a rule, be performed in a sacred place.

4. The faculty to allow the Eucharistic celebration for special groups to be performed outside a sacred place is reserved to the local

Ordinary and, for his own houses, to the religious Ordinary. On the other hand, especially if there is question of celebrations in private homes or in institutions, they should ^rant this authorization only if the place is suitable and respectable." Bedrooms, however, are always excluded.[3]

Furthermore, care should be taken lest the search for a larger and worthier place lead to the deliberate favoring of some families over others with the result that the privileges which were ruled out by the *Constitution on tbe Sacred Liturgy*[5] revive in a new form.

5.The primary principles which are given in the instruction, *Eucbaristicum mysterium,*[6] should be kept in mind and especially these:

ii) the Eucharistic sacrifice and the sacred banquet belong to the same mystery so much so that they are linked, the one to the other, by the closest theological and sacramental bond.

b) no Mass should be looked upon as an action belonging exclusively to a particular group; it is the celebration of the Church in which the priest, in the exercise of his office, presides over the total liturgical action as a minister of the Church herself.

c) everything should be cared for in such wise that both in the fitting arrangements of the place and in the appearance of persons and things, the worship which is due to the true God, is shown to the most holy and venerable sacrament of the Eucharist.

6. In order that the Eucharistic celebration may more readily turn out to be truly in harmony with the material and personal adjuncts, its individual parts should be appropriately arranged with attention given to the following general norms and principles:

a) Participation by the faithful should be fostered as much as possible in view of the special circumstances in which the celebration takes place, and the opportunity to achieve it more readily.

b) The celebration may be preceded by some time being given to meditation on sacred scripture or to spiritual instruction adapted to the condition of each group.

c) In addition to the initial reminder, the celebrant may speak briefly on the liturgy of the word before the readings and on the

3Cf. *General Instruction on tbe Roman Missal,* n. 253.

4Cf. *Motu propno, Pastorale munus,* n. 7; rescript *Cum admotae,* n. 4. Both documents reported in *Canon Law Digest, 6,* pp. 370-378 and 147-152 respectively.

'N. 32.

6N. 3.

liturgy of the Eucharist before the preface. Further, he may also say something before he dismisses the faithful. On the other hand, he should refrain from such speaking during the Eucharistic prayer (canon).

d) Without prejudice to the prescriptions noted in the following letters, *f)* and /?), and except for what the commentator is to do, the faithful should abstain, during the celebration, from reflections, exhortations and suchlike activities.

e) In the liturgy of the word, in accord with the different circumstances, texts which arc better suited to the special celebration, may be selected provided that they are selected from texts in the approved lectionary.

f) Anyone of those present (men or women) may read the readings before the gospel but only the priest or, if had, a deacon is to proclaim the gospel.

g) In the homily the priest should make reference to this special celebration and bring out the ties existing between the group actually assembled there and the local and the universal Church.

b) The prayer of the faithful may be adapted to the special circumstances as long as its religious character is always preserved. Care, however, should be taken not to omit completely the general intercessions for the Church, the w'orld, the brethren in need, and the attending group. There is no objection to those present at the rite interjecting a special intention which they have duly prepared beforehand.

7./X more perfect and complete participation in the Eucharistic celebration is brought about by sacramental Communion.

With regard to the manner of distributing Holy Communion, the usage which legitimately obtains in each diocese, should be followed. As regards Communion under both species, however, the provisions set down in the *General Instruction of the Roman Missall* should be observed. On the other hand, this form of Holy Communion is not permitted in Masses which are celebrated in a house unless there is question of administering Viaticum.'[8]

8. In some very special circumstances, in order to promote participation by the faithful, some advantage may also be derived from sacred singing since it increases likemindedness. However, also in this area are to be observed the norms concerning singing and music in

[7] Cf. nn. 240-243.

[8] Cf. S. C. of Rites· Instruction *Eucharisticum Mysterium,* nn. 32,6 and 41.

sacred celebrations with everything which could be an obstacle to the holiness of the rite and the devotion of the faithful removed.

9. Care must be taken, moreover, lest these adaptations which are permitted for these cases only, be introduced into celebrations which take place in church for the entire congregation of the faithful.

10. With reference to the antecedent conditions required in order that the Eucharist may be celebrated for these special groups outside a sacred place and, especially, in private dwellings, the following should be observed:

a) With the exception of special cases, the authorization mentioned in n. 4 should not be granted for Sunday and holydays of obligation lest the parish liturgical assembly be deprived of the ministry of priests and of the participation by the faithful which is designed to promote the life and unity of the community.

b) If the priest-celebrant is not the pastor himself, he should make a report to the bishop about such celebrations.

c) The norms regarding the Eucharistic fast should be so observed that never does a meal or banquet precede holy Mass. If, on the other hand, either of these follows the Mass, the same table on which the Eucharist was celebrated, should not, if possible, be used.

d) The bread for the Eucharist should be unleavened since it is the only bread permitted in the Latin Church and it should be made in the same form as that which from custom is used in other Masses.

e) The time of the celebration should not be very late at night.

f) If there is question of family groups, those who reasonably request to participate in the celebration should not be excluded.

11. Finally, in order to make the achievement of the effects of these celebrations more certain and to obtain their spiritual efficaciousness more fully, care should be taken, in their preparation and in their performance, of the dignity of the whole sacred action. Its form as well as rhe more suitable elements should be appropriately selected without prejudice to liturgical law. Wherefore:

a) The texts used in the holy Mass should be taken from the missal or from approved supplements. Except for what is set down in n. 6, *e)*, every change is rejected as being arbitrary.

b) The altar furnishings, sacred vessels and vestments should square with the current law as to number, form and quality.[9]

9Cf. *Gen. Instr, on Rom. Missal,* nn. 268-270, 290-296, 297-310.

c) With regard to gestures and ceremonies of the celebrant as well as the deportment of the participants, what is prescribed for the ordinary celebration of the Eucharist holds true here also.

Pastors of souls, therefore, are earnestly invited to consider carefully the spiritual effectiveness of these celebrations for deepening the formation of souls. They are influential only if through them the participants are led on to deepening their knowledge of the Christian mystery, to fostering divine worship, to injecting themselves into the ecclesial community, and to exercising the apostolate and charity among their brethren more faithfully.

Although there are in our day some who consider themselves *renewed by novelties,* at times bizarre, or by arbitrary forms of liturgical celebration which they think up, still, priests, both secular and religious, who are truly solicitous for the good of the faithful, should know well that the path to lasting and sanctifying pastoral action is found in constant and wholehearted fidelity to the will of the Church as it is expressed in her precepts, norms and structures.

On the other hand, whatever lends away from this path, even if it be superficially enticing, distrubs the minds of the faithful and renders priestly ministry languid and sterile.

This instruction, which has been drawn up by the Sacred Congregation for Divine Worship by mandate of the Supreme Pontiff and has been approved by the Supreme Pontiff himself, will hereafter regulate all celebrations of Masses for special groups.

From Vatican City, the 15th day of May, 1969, the feast of the Ascension of our Lord.

AAS 61-806; S. C. Cult. Div., Instruction, 15 May, 1969. Annotations in *Horn, and Past. Rev.,* 70 (1969-7O),935-938 (Shaughnessy).

CANON 824

Religious: Stipends for Bination and Trination (S. C. Rel. et S. I., 10 Jan., 1972) Private.

Petition. Since the same reasons continue to exist, the Archbishop of Munich-Freising, President of rhe Episcopal Conference of Germany, humbly implores the prorogation of rescript Prot. N. /919/61 of 17 December, 1966, whereby he was granted the faculty' to permit priests, who are religious in Germany, to receive stipends

for a second and a third Mass on the condition that these entire stipends are at the disposition of the major religious superiors.

Reply. In virtue of faculties granted by the Supreme Pontiff, the Sacred Congregation for Religious and for Secular Institutes, after having attended to the recitals, has assented to the favor of prorogation of the aforesaid induit as requested for another five-year period, with observance of the other requirements.

All things to the contrary notwithstanding.

Given at Rome, the 10th day of January, 1972.

(Private); S. C. Rel. et S. I., induit, 10 Jan., 1972, Prot. N. 7919/61; reported in *Archiv. K. K„* 141 (1972),195-196.

Stipend and Concclcbrated Mass: Not allowed if priest celebrates another Mass for pastoral good of faithful. *See* c. 803; S. C. Cult. Div., 7 Aug., 1972, n. 3, b).

CANON 828

Founded Masses: Reduction and Extinction of Obligation (Com. Vat. II Interp., 1 July, 1971) AAS 63-860.

The Fathers of the Pontifical Commission for the Interpretation of the Decrees of the Second Vatican Council, when the following question was proposed in its plenary session, believed it should be answered as below;

Question. Whether in virtue of the faculties granted through the apostolic letter, *Pastorale munus,* issued 30 November, 1963, nn. 1142,[1] bishops can reduce, or, if the case so warrants, even extinguish the obligation of founded Masses which was culpably not satisfied in the past?

Reply. *In the affirmative* as regards the reduction of founded Masses, but safeguarding, as far as possible, the will of the founders or offerers; *in the negative* as regards extinction.

Our Holy Father, Pope Paul VI, in the audience granted to the undersigned on the 1st of July, 1971, ratified the aforesaid decision, approved it, and ordered it to be published.

z\AS 63-860; Com. Vat. II Interp., reply, 1 July, 1971, section I.

[1] *Canon Law Digest,* 6, pp. 372-37 3.

Masses: Celebration and Application (Sec. St., 29 Nov., 1971) AAS 63-841.

I he Papal Secretariat of State issued the following notification.

In order that there may be clearer regulation of a matter which is serious and requires great prudence, namely, relative to the celebration and application of Masses for the intention of the offerers, and in order that, with the same parallel norm, criteria may be set up for weighing and considering petitions which, in extraordinary cases, will, perhaps, hereafter be advanced regarding the reduction, condonation and commutation of Mass obligations, the Supreme Pontiff has decided to reserve to himself, but only for the interim and temporarily, the total deliberation on this matter. He has also decreed at the same time that from the first day of the month of February in the year 1972, all faculties, general and particular, which have previously been granted at any time, for any reason, to any person, physical or moral, either by force of law or by himself or by his predecessors, either directly, including viva-voce pronouncements, or through Sacred Departments, are suspended but without prejudice only to the faculties which were granted to bishops in nn. 11 and 12 of the apostolic letter, *Pastorale munus,'* issued *motu proprio* on the 30th day of the month of November in the year 1963.

By mandate of our Holy Father, these points are opportunely brought to the notice of all those for whom in any way this provision, which shall be in force on the aforesaid date, is of interest; all things to the contrary notwithstanding, even those deserving special mention,

The 29th day of the month of November in the year 1971.

AAS 63-841; See. St., notification, 29 Nov., 1971. /Xnnotations in *Apollinaris,* 45 (1972),77-83 (Galea); *Com. pro Rel.,* 53 (1972),78-79 (Gorricho); *Ephern. /.* G. 28 (1972),144-174 (Galea).

Masses: Celebration and Application (S. C. Rel. et S. I., 15 Jan., 1972) Private.

The following letter was addressed to the president of the Union of Superiors General.

It is my duty to inform you that the Holy Father has seen

fit to reserve to himself, for the time being, faculties involving the reduction, condonation and commutation of Mass Intentions and the obligations inherent to their application. At the same time, the Holy Father suspends all faculties, both general and particular, which were previously granted either by the norms of law or by him personally or any of his predecessors, whether directly or through the Sacred Congregations, at any time, for any reason whatsoever, to any moral or physical person. The sole exceptions to this suspension are the faculties granted to Bishops in virtue of N. 11 and N. 12 of the *motu proprio, Pastorale munus**

The above-mentioned provisions take effect on February 1, 1972, "contrariis quibuscumque, etiam speciali mentione dignis, minime obstantibus."

In conformity with these stipulations, Superiors of all Institutes will kindly forward to the Sacred Congregation for Religious and for Secular Institutes a detailed report on all the faculties they possess or their Religious possess pertaining to the reduction, condonation, and commutation of Mass Stipends and the obligations inherent to their application or celebration. This report must be sent before Easter of this year.

May I ask that you please bring this matter to the attention of the Superiors General of your Conference.

(Private); S. C. Rel. et S. 1., letter, 15 Jan., 1972. Prot. N. Sp. R. 161/72; reported in *Com. pro Rel.,* 53 (1972),78. Annotations in *Com. pro Rel.,* 53 (1972),78-79 (Gorricho).

CANON 845

Minister of Holy Communion in Absence of Priest and Deacon (S. C. Sacr., 10 Mar., 1966) Private.

Following is the instruction, *Fidei custos,* "on the minister of Eucharistic Communion when priest and deacon are absent."

The Church as the custodian of the faith preserves the deposit of faith inviolate through the ages. She also safeguards the purely canon law which has been wisely legislated down through the centuries, and only because of special conditions and newly arisen needs does she prudently and, at the same time, magnanimously change it.

'Complete text of the original notification is reported above under this same canon.

Since the salvation of souls is the purpose of the Church, canonical prescriptions must be adapted to this purpose so that the changes demanded by conditions and times may be made so that the salutary proposals for achieving the purpose may not be thwarted but may be truly effective and be pertinent to the correct tempering of the universal zeal of the Church.

In this day, however, when the conditions of human life change so very rapidly, the Church, among other things, cannot fail to notice the straits and difficulties in which she is situated, especially because of the small number of sacred ministers in some regions, while, on the contrary, the needs of the care of souls increase and, as a result, the manifold labors and activities of the pastoral ministry cry out.

In many places, which, at times, are greatly distant from cities, it happens that missionaries, catechists, consecrated virgins, and others engaged in their evangelistic assignment, and likewise the rank-and-file faithful themselves very rarely and only incidentally are visited by a priest and, consequently, are prevented from refreshing themselves with Holy Communion and are torn with great anxiety and grief of soul.

For this reason it has seemed good to the Holy Father, Paul VI, in view of his pastoral solicitude for the good of souls, to accede to the wishes of the faithful by cautiously derogating from the prevailing law so that, since the need has been ascertained, in addition to the ministers indicated in canon 845, and for the duration of the circumstances of this age, others should be constituted who can administer Holy Communion to themselves and to the rest of the faithful.

In order that this may be correctly done, the following norms have been decreed with the authority of the Supreme Pontiff.

1. Residential bishops, coadjutors endowed with all episcopal rights and obligations, abbots, prelates *nullius,* vicars capitular, apostolic administrators, vicars and prefects apostolic, even if they lack the episcopal character, can approach the Sacred Congregation of the Sacraments, for the Propagation of the Faith, and for the Oriental Church respectively for those subject to each Congregation, to obtain the faculty whereby they can permit some qualified person, religious or lay, to administer Holy Communion to the faithful whenever the ordinary or extraordinary minister is absent or is foreseen will be absent for several *(aliquot)* days.

2. The aforesaid pastors can delegate this faculty thus received only to auxiliary bishops, vicars general, and vicars delegate.

3. In churches and public oratories the qualified person referred to in n. 1 shall be designated according to this order, condition and rank: a cleric in sacred Orders; or, provided that, as far as possible, a certain maturity of age is had: a cleric in minor Orders, or tonsured, or, if not tonsured, professed of religious vows; or a catechist, or a rank-and-file member of the faithful. In this last case, this member of the faithful should excel in Christian living, faith and morals. Moreover, as indicated above, the person should be marked with a rather mature age as well as be properly instructed for the discharge of so noble a function and must be of the male sex. Further, he should accept the mandate with a certain ritual solemnity. This kind of qualified person can distribute Holy Communion to members of the faithful of both sexes as well as bring It to the sick.

4. In oratories of communities of religious of either sex, the pastors referred to above, can obtain the faculty to permit, if there is a real, urgent need and if every precaution is used, the superior or superioress to distribute the Eucharistic bread to his/her fellow religious as well as to lay people who may happen to be present.

5. In orphanages, hospitals, colleges and institutions – in the broadest sense of those terms – which are conducted by religious men or women, the said pastors mentioned in n. 1 can likewise obtain the faculty whereby the superior who is without sacred Orders, or the superioress may distribute Holy Communion to the members of his/her house and also to other members of the faithful who, for any reason, are present.

6. When they perform the rite, the qualified person or superior or superioress should recite the *Confiteor* and "Lord, I am not worthy" together with the faithful and members of the community but omit the words, "to you, Father," and, "you, Father." Then, while saying, "The Body of Christ," they should distribute the sacred particles to each of the communicants who responds "Amen." However, before they offer the sacred banquet to others, they may, if it seems good to them, receive the divine Eucharist themselves.

7. While they are distributing Communion, the qualified person and the religious superior should wear the cassock and surplice; the superioress should wear her religious habit. All these ministers should wash their hands before the distribution and, when the rite has been completed, should purify their fingers in the appropriate vesel.

8. In the administration of Holy Communion, all danger of irreverence to the Blessed Sacrament should be avoided since the greatest honor should be shown It.

9. These faculties, however, are granted for a just cause to the pastors mentioned in η. 1 for a period of three years by the Sacred Congregation of the Sacraments to which recourse should be had if any difficulty occurs. For the mission territories and for those belonging to the oriental rite, the said faculty is granted by the S. C. for the Propagation of the Faith and for the Oriental Church respectively.

10. Finally, the aforesaid pastors should not fail to send a report each year to the Holy Sec on how this matter has proceeded and whether it actually conduces to the good of souls.

Given at Rome, from the offices of the Sacred Congregation of the Sacraments, the 10th day of March, 1966.

(Private); S. C. Sacr., Instruction. 10 Mar. 1966.

Laymen as Distributors of Communion (S. C. Sacr., 28 Nov., 1967; 14 Feb., 1968) Private.

As a result of a decision taken in September, 1967, the Episcopal Conference of Germany petitioned the Holy See that lay persons be authorized to distribute Holy Communion. The S. C. of the Sacraments by two rescripts having the same protocol number but different dates, gave the Ordinaries the powers:

1. They can qualify worthy persons of the male sex who are neither priests nor deacons, to help with the distribution of Holy Communion during Mass when other provision cannot be made to prevent the distribution of Holy Communion from taking too much time.

2. They can qualify worthy persons of the male sex to distribute Holy Communion to themselves and to others outside Mass in churches and public oratories and also to bring Holy Communion to the sick in cases where it is foreseen that a sacred minister will not be present for a certain interval of time.

(Private); S. C. Sacr., Rescripts, 28 Nov., 1967; 14 Feb., 1968; both with Prot. N. 2199/67.

NOTE· I'or the use of these powers, the Episcopal Conference of Germany, in ns sessions of 4-7 March, 1968. set down the following directives:

I Appeal shall be made to laymen to distribute Holy Communion only in parishes where the pastor requests it.

2. In the choice of lay persons, the following order will be followed: clerics in major Orders, clerics in minor Orders, persons who have received the tonsure, members of religious communities of men who are in vows, laymen

who are engaged in teaching religion, other members of the faithful who are males.

The pastors must nominate candidates after they have consulted their parish council and are to avoid limiting this choice to one professional category.

3.The candidates and their family must be respected in the parish by reason of their faith and their Christian life. Manly maturity and fidelity to the faith are, of course, the preliminary conditions.

4. The minimum age for the laymen is 25 years.

5. In every case, it is the local Ordinary who grants the qualification.

6.The formation for this new parochial function is given in the course of three days or a weekend. The topics for these formation sessions are: the parish and parish worship; the celebration of the sacred Eucharist; a practical initiation to the rubrics for the distribution of Holy Communion.

7.The laymen qualified to distribute Holy Communion shall reassemble at least once a year to receive a more complete formation by studying appropriate topics.

8.Each person shall be personally appointed by a letter from the bishop. The qualification is given initially for two years.

9.The bishop shall inform the parish concerned of this appointment by a letter in which he will present to the parishioners the person he has qualified. The pastor will read this letter of the bishop at all the Masses on Sunday.

10.for the distribution of Communion, the laymen must vest in amice and alb or at least in cassock and surplice.

11.When a request of this kind is made, the layman shall exercise his function in a parish other than that of his residence.

12.The bishops shall determine for their dioceses the date when this qualification goes into effect.

(Private); Episc. Confer. Germany, Directives, 4-7 March, 1968; all the above documents reported in *La Doc. Cath.,* 65 (1968), 861-862.

Lay Persons as Distributors of Holy Communion (S. C. Gent. Evang., 28 Nov., 1968; S. C. Sacr., 25 June, 1969) Private.

Petition. The Ordinary of the Archdiocese of Kingston in Jamaica, prostrate at the feet of Your Holiness, as president of the Episcopal Conference of the Antilles, in his own name as well as in that of all other Ordinaries of the said Conference, humbly requests for each one of them the faculty to permit in his territory (in accord with the norms set down in the instruction. *Fidei custos,*[1] issued on 10 March, 1966, on the minister of Eucharistic Communion when priest and deacon arc absent) that persons who are declared qualified in that instruction and who are designated as such by the Ordinary, may distribute Holy Communion and also bring It to the sick.

[1] Reported above under this same canon.

Reply. The Sacred Congregation for the Evangelization of Nations, that is, for the Propagation of the Faith, in virtue of faculties given it by His Holiness, Pope Paul VI, after attending to the recitals, graciously grants the favor as requested.

The present grant is valid for three years.

Given at Rome, from the offices of the said Sacred Congregation for the Propagation of the Faith, the 28th day of November, 1968.

(Private); S. C. Gent. Evang., Reply, 28 Nov., 1968, Prot. N. 6445/68. Copies of this reply and the instruction kindly sent us by the Rev. M. B. Walsh, S. J., Chancellor of the Kingston Archdiocese.

Petition. Submitted by the Bishop of Duluth, Minnesota:

Because of the shortage of priestly personnel and the great number of people that participate in Mass in the reception of the Eucharist, I have been requested by a number of our priests to obtain the faculty to allow a reputable layman to help in the distribution of the Holy Eucharist at the Sunday Masses.

Many of our churches are overcrowded in summer time with the great influx of tourists that enter our diocese. To accommodate the people, most of our priests trinate on Sunday in addition to the use of the privilege of Saturday evening Mass.

The great majority of the people participate in Mass in the reception of the Eucharist and thereby place a heavy burden on the priests in the distribution of Holy Communion and it also creates a great inconvenience in the overlapping of the Mass schedule because of the time consumed in the distribution of Holy Communion. The length of time given to the distribution of the Eucharist gives less time to the priest for the homily.

In order to accomodate the priest and people, I therefore ask that I be given the faculty to designate a reputable layman to aid in the distribution of the Holy Euchatist.

The Bishop of Superior, Wisconsin, our neighboring diocese which is encountering the same difficulties, is also separately requesting this same faculty.

Reply. The Bishop of Duluth, prostrate at the feet of Your Holiness, humbly requests the faculty to allow that qualified persons may distribute Holy Communion as assistants to the priest in the churches and public oratories of his diocese less Mass be drawn out too long.

On 25 June, 1969, the Sacred Congregation of the Sacraments, in virtue of special faculties granted by His Holiness, Pope Paul VI,

after having attended to the recitals, grants the petitioner the singular faculty as requested, provided that qualified persons are selected by name by the bishop and that they duly receive from him a mandate. All danger of irreverence to the Blessed Sacrament is to be removed, and all the precautions for the exercise of this faculty and other prescriptions of the instruction, *Fidei custos,* issued by this S. C. on 30 April, 1969,[1] are to be observed.

All things to the contrary notwithstanding. The present grant is valid for *three years.*

(Private); S. C. Sacr., Reply, 25 June, 1969, Prot. N. 1220/69; reported in *The Jurist,* 29 (1969), 464.

Lay Persons as Distributors of Holy Communion: United States (S. C. Sacr., 9 March, 1971) Private.

The President of the episcopal conference of the United States humbly asks, in the name of the Ordinaries of that country, the faculty to permit:

1) qualified persons to give Holy Communion to themselves, distribute it to other members of the faithful, and bring it to the sick, in churches and public oratories, in the absence of an ordinary minister of Communion or if the latter is impeded by age, bad health, or the pastoral ministry.

2) lay superiors of religious communities or those who take their place to give Holy Communion to themselves and distribute it to the members, the faithful who may be present, and the sick, in the oratory of the religious house and in the same circumstances.

3) qualified persons to assist the celebrating priest in the administration of the Holy Eucharist during Mass in churches and public oratories, when a very lengthy distribution of Communion cannot otherwise be avoided.

In virtue of special faculties given it by His Holiness, Pope Paul VI, the Sacred Congregation for the Discipline of the Sacraments on 9 March, 1971, granted these faculties - after considering the facts and in accord with the request – to the petitioner and the individual (Ordinaries) of the United States, provided that the suitable persons mentioned in the petition are chosen by name by their own Ordinary and receive a mandate from him, together with the lay

[1] See edition of 10 March, 1966, reported above under this same canon.

superiors or their substitutes. Any clanger of irreverence to the Holy Eucharist is to be avoided, every caution is to be exercised in the use of these faculties, and in other matters the instruction, *Fidei Custos,*l issued by this Congregation on 30 April, 1969, is to be followed.

Anything to the contrary notwithstanding.

Valid for a year.

(Private); S. C. Sacr., rescript, 9 March, 1971; reported in *Newsletter Bps Coni. Lit.,* 7 (1971), nn. 4-5, p. 1. This rescript was renewed and prorogated^ *nutum Sanctae Sedis* in terms of the prior concession, 18 Jan., 1972 - reported in *Newsletter Ups. Com. Lit.,* 8 (1972), nn. 1-2, p. 1.

CANON 851

Instruction on the Manner of Distributing Holy Communion (S. C Cult. Div., 29 May, 1969) AAS 61-541.

The following instruction, Memoriale Domini, which was sent to the episcopal conferences for their attentive and profound consideration, is now made part of public law so that all may more clearly see the basis and circumstance on which the Apostolic See's policy of action is founded.

When the Church celebrates the memorial of the Lord, by that very rite she gives witness to her faith in and adoration of Christ who is present in the sacrifice and in those who share the Eucharistic table to be given food.

For this reason it is of great interest to the Church that the Eucharist be celebrated and shared in the most worthy and fruitful manner by inviolately preserving that tradition which has come tous by a kind of progressive development and whose riches have been transfused into the practice and life of the Church. The documents of history prove that the manner of celebrating and receiving the Holy Eucharist has been manifold. Even in these days of ours, changes, neither few nor slight, have been brought into the rite of celebration of the Eucharist so that it may be better suited to the spiritual and psychological needs of today's men. Moreover, because of certain circumstances, Communion under the species both of bread and of wine which was once common practice in the Latin rite also but gradually fell into disuse, has been again introduced into the

See edition of Io March, 1966, reported above under this same canon.

discipline which regulates for the faithful the manner of sharing in the divine Sacrament. The practice which thus arose had already taken over at the time of the Council of Trent which in its dogmatic teaching approved and defended the practice as in harmony with the condition of that age.1

Although the sign value of the Eucharistic banquet and the complete fulfillment of Christ's mandate have been made more evident and alive by these forms of renewal, nevertheless, at the same time, a fuller participation in the Eucharistic celebration which is signified by sacramental Communion, has, here and there during recent years, roused the desire for a return to that usage whereby the Euchristic bread is placed in the hand of the faithful who then communicates by himself putting it into his mouth.

Nay more, in some communities and places, this sort of rite has been performed without having sought and obtained prior approval of the Apostolic Sec and, at times, without appropriate preparation for the faithful.

It is indeed true that ancient usage once permitted that this divine nourishment be received in the hand and placed in the mouth by (hemselves, and also, in very ancient times, that they would carry the Holy Sacrament with them from the place where Mass was celebrated, especially so that they could receive It as viaticum if it happened that they had to do battle in their profession of the faith.

And yet the prescriptions of the Church and the writings of the Fathers abundantly testify that the greatest reverence and the highest prudence was shown the Holy Eucharist. For "no one ... cats that flesh without first having adored it,"2 and, as each one received It, he was admonished: . . receive it but take care that none of it be lost to you,"3 "because it is the Body of Christ."4

Furthermore, the care and administration of the Body and Blood of the Lord were entrusted in an altogether special way to sacred ministers or to persons who were called to this function: "However, after he who presides has finished the prayers and all the people have given the acclamation, those among us who are called deacons distribute the bread and wine and water which were used in the

'ci. Council of Trent, Sess. 21 : Doctrine on Communion to children and under both species Denzinger 1726-1727; Sess. 22; Decree on request co present the calice – Denz. 1760.

2St. Augustine: *Enarrationes in Psalmos.* 98:9 – *Pl.* 37:1264.

3St. Cyril of Jerusalem: *Catecheses Mystagogicae,* V, 21 *PC* 33:1 126.

4St. Hippolytus: *Traditio Apostolica,* n. 37 – ed. B. Botte, 1963, p. 84.

thanksgiving rite, to each one of those present for his partiticpation and the said deacons also bring them to those who arc absent."[5]

However, it soon happened that the function of bringing the Holy Eucharist to those who were absent was entrusted to sacred ministers only, for this reason: that the reverence due to the Body of Christ as well as to the needs of the faithful might be more carefully taken care of. With the passage of time, after the truth of the Eucharistic mystery, its efficacy, and the presence of Christ in It were more deeply researched, the custom was introduced that the minister directly placed the particle of consecrated bread on the tongue of those receiving Communion. This custom arose from a strong sense either of reverence for the most holy Sacrament or of the humility with which It was to be received.

This manner of distributing Holy Communion, in view of the overall situation in the Church today, must be observed not only because it is based on a custom handed down through many centuries, but especially because it signifies the reverence of the faithful for the Eucharist. This kind of usage detracts nothing from the personal dignity of those who approach so great a Sacrament but belongs to that necessary preparation so that the Body of Christ may be received in the most fruitful manner possible.[6]

This reverence signifies communion not of "common bread and drink,"[7] but of the Body and Blood of the Lord in virtue of which "the People of God share the benefits of the paschal sacrifice, renew the new covenant which God had made with man once for all through the Blood of Christ, and in faith and hope foreshadow and anticipate the eschatological banquet in the kingdom of the Father."[8]

Furthermore, this manner of acting which must now be considered customary law, more effectively provided that Holy Communion will be distributed with due reverence, decorum and dignity so that every form of danger of profanation will be warded off from the Eucharistic species in which "in a unique way Christ is present whole and entire, God and man, substantially and permanently,"[9] and,

5St. Justin; *Apologia.* I, 65 – PG 6:427.

6Cf. St. Augustine; *ibid.*

7Cf. St. Justin: *op. cit.,* I, 66 — *PC·* 6 427. St. Irenaeus: *Adversus Haereses,* L 4. c. 18, n. 5 – *PG 7* 1028-1029.

8S. C. Rit.. Instruction *Eucbaristicuni Mysterium,* n. 3,a (A/1S 59 |1967|, 541); reported in *Canon Law Digest,* 6, p. 520.

9Cf. *ibid.,* n.9.

finally, that the diligent care which the Church has always commended for even the fragments of consecrated bread may be maintained: "For if you allow anything to fall to the ground, consider it as a lessening of your own members."[10]

Wherefore, since some few episcopal conferences and some individual bishops have asked that in their territories the practice be admitted of having the consecrated bread put in the hands of the faithful, the Supreme Pontiff set it down that each and all of the bishops of the Latin Church be asked his opinion on the opportuneness of introducing this kind of rite. For a change in a matter of such great importance which is founded on a very ancient and venerable tradition, in addition to the fact that it touches upon discipline, also can bring with it dangers. Rise of them may be feared from a new manner of distributing Holy Communion, namely, a lessening of reverence towards the Holy Sacrament of the altar, profanation of that Sacrament, adulteration of correct doctrine.

Asa consequence, three questions were put to the bishops who, up to the 12th of last March, replied in the following way:

1.Does it seem that the proposal should be listened to so that, in addition to the traditional practice, the rite of receiving Holy Communion in the hand should also be permitted?

Yes: 567
No: 1,233
Yes, with reservations: 315
Invalid votes: 20.

2.Should experiments with this new rite first be made in small communities with the approval of the local Ordinary?

Yes: 751.
No: 1,215.
Invalid votes: 70.

3.Do you think that the faithful, after well-planned catechetical preparation, will willingly accept this new rite?

Yes: 835.
No: 1,185.
Invalid votes: 128.

From the votes received, therefore, by far most of the bishops dearly believe that the present-day discipline should not at all be

10St. Cyril of Jerusalem·, *ibid.*

changed. Indeed, if it is changed, it would be offensive to the sensibilities and spiritual appreciation of those bishops and of most of the faithful.

As a result, after having attended to the observations and opinions of those whom "the Holy Spirit has placed as bishops to rule"[11] the churches, in view of the seriousness of the matter and the weight of the arguments proposed, the Supreme Pontiff has decided that the long-received manner of distributing Holy Communion to the faithful is not to be changed.

Wherefore, the Apostolic See strongly exhorts bishops, priestsand faithful to observe carefully a law which exists and which has been again confirmed, whether they consider the judgment passed by the greater part of the Catholic episcopate, or the form which the present-day rite of the sacred liturgy employs, or, finally, the common good of the Church herself.

On the other hand, wherever the contrary practice of placing Holy Communion in the hand has already taken hold, the said Apostolic See, in order to help episcopal conferences to discharge their pastoral office, which is rather difficult in today's state of affairs, turns over to the said conferences the burden and responsibility to examine the special circumstances, if any exist, on condition, however, that every form of danger is avoided lest lack of reverence or false opinions regarding the Holy Eucharist creep into soulsand that other improprieties be also carefully removed.

In these cases, moreover, in order to have correct regulation of such usage, the episcopal conferences, after previous prudent examination, shall hold timely deliberations which arc decided by approval passed by a two-thirds majority of secret votes. These deliberations will then be proposed to the Holy See for the necessary confirmation,[12] together with an accurate exposition of the reasons which moved the conference to taking the decisions. The Holy See will carefully examine each case and not forget that bond of union which exists in the various local churches for their own benefit or between each one of them and the Church universal, for the promotion of the common good and the common upbuilding and for the increase of faith and piety which flow from mutual example.

This instruction, which was drawn up by special mandate of the Supreme Pontiff, Paul VI, was duly approved by him in virtue of his

[11] Cf. *Acts of the Apostles.* 20:28.

Cl. \ it. Counc. 11 *Decree on the Pastoral Office of Bishops,* n. 38,4.

apostolic authority on the 28th day of May, 1969. He also decreed that it be brought to the attention of the bishops through the presidents of the episcopal conferences.

All things to the contrary notwithstanding.

Given at Rome, the 29th of May, 1969.

AAS 61-541; S. C. Cult. Div., Instruction, 29 May, 1969.

OFFICIAL NOTE: The instruction is completed, from a pastoral viewpoint, with the letter whereby the induit to distribute Holy Communion in the hand to the faithful when all the requisite conditions are fulfilled, is granted to episcopal conferences.

Your Eminence/Your Excellency,

In response to the request presentd by your episcopal conference for permission to distribute Communion by placing the host in the hand of the faithful, I am sending you the following communication.

While recalling that this was a topic of the accompanying instruction, issued on 29 May, 1969, on the maintaining in force of the traditional practice, the Holy Father has taken into consideration the reasons appealed to in order to support your request, and the results of the vote which was taken on this matter. He grants that, in the territory of your episcopal conference, each bishop, in conformity with his prudence and his conscience, may authorize in his diocese the introduction of the new rite for the distribution of Communion on condition that all occasion of surprise on the part of the faithful and all danger of irreverence towards the Eucharist are avoided.

Furthermore, the following norms must be attended to:

1. The new manner of receiving Communion must not be imposed in a way which would exclude the traditional practice. It is of great importance that each member of the faithful have the chance to receive Communion on his tongue where the new manner shall have been lawfully allowed and when they will come to receive Communion at the same time that other persons will receive the host in the hand. Indeed, the two manners of receiving Communion can coexist without difficulty in the same liturgical action. That should be so that nobody finds in the new rite a cause of disturbance to his own spiritual sensibility relative to the Eucharist, and so that the Sacrament, which of its nature is the source and cause of unity, does not become an occasion for discord among the faithful.

2.The rite of giving Communion into the hand of the faithful must not be used without discretion. Indeed, since there is question of a human attitude, it is linked to the sensibility and preparation of the person who takes It. It is advisable, then, to introduce it gradually by starting with groups and centers which arc qualified and better prepared. Above all, it is necessary that this introduction of the rite be preceded by an adequate catechesis so that the faithful understand exactly the significance of the gesture and perform it with the reverence due to the Sacrament. The result of this catechesis must be the exclusion of all appearance that there is any wavering in the conscience of the Church regarding faith in the Eucharistic presence and also of any kind of danger, or even the appearance of danger, of profanation.

3.The opportunity offered to the faithful to receive the Eucharistic bread in the hand and place It in his mouth must not provide him with the occasion to consider It as ordinary bread or as any kind of sacred thing. On the con-

trary, it ought to increase in him the sense of his dignity as a member of the Mystical Body of Christ into which he was inserted by baptism and the grace of the Eucahrist. It ought also augment his faith in the august reality of the Body and Blood of our Lord which he is touching with his hands. His attitude of respect will be proportioned to his action.

4. As regards the manner of performing the rite, one may follow the direction of ancient tradition which set in relief the ministerial function of the priest and of the deacon by having him place the host in the hand of the communicant. On the other hand, one may also adopt a simpler manner by allowing the faithful to take the host directly from the sacred vessel. In every case, the faithful ought to consume the host before returning to his place, and the assistance of the minister will be emphasized by the usual formula: "The Body of Christ," to which the faithful will respond: "Amen."

5. Whatever be the rite adopted, care must be taken not to let fragments of the Eucharistic bread drop or be dispersed, as well as to have the hands properly clean and to perform the gesture well, in accord with the usages of the different peoples.

6. In the case of Communion distributed under both species by intinction, it is never allowed to place in the hand of the faithful a host which has been dipped into our Lord's blood.

7. Bishops who shall have permitted the introduction of the new Communion rite are requested to send to this Sacred Congregation, within six months, a report on the results of this permission.

I take occasion to express to Your Reverence my sentiments of deep esteem.

Benno Card. Gut, Prefect
A. Bugnini, Secretary

Communion in Hand (S. C. Cult. Div., 20 Feb., 1971) Private.

The following faculty was granted to Volta Superior and Niger:

To permit that Holy Communion be distributed in the hand of the faithful according to the norm of the instruction *De modo sanctam Communionem ministrandi* and the attached letter to the presidents of episcopal conferences (cf. *AAS.,* 61 [1969], 541-547).[1]

(Private); S. C. Cult Div., faculty, 20 Feb., 1971, Prot. N. 9/71 ; reported in *Notitiae,* 7 (1971),121; The same faculty was granted to Indonesia, 27 March, 1971, Prot. N. 342/71; reported in *Notitiae,* 7 (1971),260.

[1] Reported above in this volume under this same canon

CANON 852

Communion Under Both Species Extended (S. C. Cult. Div., 29 June, 1970) AAS 62-664.

Following is the instruction, *Sacramentali Communione,* "on the extension of the faculty to administer Holy Communion under both species."

The universal tradition of the Church teaches that the faithful participate more perfectly in the celebration of the Eucharist by sacramental communion. In this manner they become participants in the Eucharistic sacrifice fully, that is, not simply by faith and outward prayer, nor merely by joining themselves in spiritual communion with Christ offered upon the altar, but also by receiving His very self sacramentally so that they derive for themselves more abundant fruit from this most holy sacrifice.

Without prejudice to the dogmatic principle laid down by the Council of Trent which teaches that even under only one species Christ, whole and entire, and a true sacrament are received,[1] the holy Second Ecumenical Vatican Council decided that, in order that the fullness of the sign might be more clearly evident to the faithful in the Eucharistic banquet,[2] the faithful should be able to receive Holy Communion under both species in certain cases to be defined by the Apostolic Sec.[3]

This desire of the Council has been gradually put into effect[4] as the preparation of the faithful has progressed so that richer results of devotion and spiritual benefit might more securely eventuate from the changed discipline of the Eucharist.

Since that time, there has been more and more desire that the instances when it is permissible to distribute Communion under both species, be further multiplied in accord with the varying circumstances of regions and persons.

'cf. Cone. Trid., sess. XXI, *Deer, de Com. Eucb.,* cc. 1-3;*Dem.* 929-932 (1725-1729).

2Cf. *Institutio* *Instructio*\ *Gen., Missalis Romani,* n. 240.

3Cf. *Const, on Sac. Lit.,* n. 55; *Canon Law Digest, 6,* p. 49.

4S. C. Rit-, *General Decree whereby tbe rue of concélébration and Communion under both spectes is promulgated,* 7 March., 1965 *(AAS* 57 119651, 41 1-412, *Canon Law Digest,* 6, pp. 105-107); *Instruction on Eucharistic Worship,* 25 May, 1967, n. 32 *(AAS* 59 11967 |,558, *Canon Law Digest, 6,* p. 535); *Inst. Gen. Missal. Rom.,* nn. 76, 242.

Wherefore, this Sacred Congregation for Divine Worship, after having attended to the petitions of many bishops and, indeed, of episcopal conferences, as well as superiors of religious families, on the mandate of the Supreme Pontiff, has decreed the following relative to the faculty of distributing Holy Communion under both species:

1. Communion under both species may be distributed, in accordance with the judgment of the Ordinary, in the instances defined by the Apostolic See as recounted in the accompanying appendix.

2. Furthermore, the episcopal conferences can determine towhat extent and for what motives and under which conditions the Ordinaries can permit Communion under both species in other instances which have great moment in the spiritual life of a given community or group of the faithful.

3. Within these limits, the Ordinaries can indicate particular instances on condition, however, that the faculty is not granted indiscriminately and that the celebrations are well defined and that indication be given of things to be guarded against. Moreover, to be avoided arc occasions when the number of communicants is great. Further, the groups who are granted this faculty, should be well limited in number, orderly and homogeneous.

4. The Ordinary of the place can grant these faculties for all the churches and oratories in his territory; the religious Ordinary can grant them for his houses.

It is their responsibility to see to it that the norms laid down by the Apostolic See or by the episcopal conferences are observed. Before they grant the faculty, they must be sure that everything will really be carried out in such a way that the holiness of the sacrament will not be jeopardized.

5. Before the faithful are admitted to Holy Communion under both species, adequate catechesis must always precede and clearly instruct them on the significance of this rite.

6. On the other hand, in order that Communion under both species may be fittingly administered, there must be sedulous care taken that everything be carried out with due reverence and that the rite described in the *General Instruction of tbe Roman Missal,* nn. 244-251, be observed.

1'hat method should be chosen which provides that Communion can be distributed with dignity, devotion and decorum and which offsets danger of less reverence and which pays attention to the character of

each liturgical group and to the age, conditions and preparation of those who are to receive.

Among the methods set forth in the *General Instruction of the Roman Missal,* reception of Communion from the chalice itself holds first place. However, this method must be chosen only when everything can be carried out in an orderly fashion and with no danger of irreverence towards the Blood of Christ. Therefore, if other priests or deacons or acolytes are at hand, they should be chosen to present the chalice. Contrariwise, that method of conduct must not be approved, it seems, whereby the chalice is passed from one person to another or where the communicants directly approach the chalice to take the Blood.

Whenever the above-mentioned ministers cannot be had, if those to communicate are few and if Holy Communion under both species is received by drinking directly from the chalice, the priest himself should first distribute Communion under the species of bread and, afterwards, under the second species.

Otherwise, to be preferred is the rite of Communion under both species which employs intinction whereby the practical difficulties can be better met and the reverence due the Sacrament may be more fittingly provided. In this way access to Communion under both species is more easily and safely given to the faithful of every age and condition and at the same time the reality of the fuller sign is preserved.

The Supreme Pontiff, Paul VI, ratified and confirmed this present instruction on the 26th day of the month of June in the year 1970 and ordered that it be published.

From the offices of the Sacred Congregation for Divine Worship, the 29th day of June, 1970, the solemnity of the apostles, Sts. Peter and Paul.

APPENDIX

Instances when Communion under both species may be administered as defined by the General instruction of the Roman Missal, (n. 242).

In accordance with the Ordinary's judgment and after due catechesis has preceded, Communion from the chalice is permitted in the following instances:

1. To adult neophytes at the Mass which follows their baptism; to confirmed adults at the Mass of their confirmation; to baptized persons who are received into communion with the Church.

2. To spouses at their nuptial Mass.

3. To the newly ordained at the Mass of their Ordination.

4. To abbesses at the Mass of their blessing; to virgins at the Mass of their consecration; to professed religious and their parents, relatives and fellow religious at the Mass of their first profession, renewal of profession, or perpetual profession provided that the vows are pronounced or renewed during Mass.

5. To lay missionary assistants at the Mass in which they are sent on mission in a public manner; also to others at the Mass at which they receive an ecclesiastical mission.

6. To the sick person and all bystanders at the administration of Viaticum when Mass is celebrated in the home of the sick person according to the norms of the law.

7. To the deacon, subdeacon and ministers who discharge their office at a sung Mass.

8. When there is concélébration:

(a) to all those, including lay persons, who discharge a true liturgical ministry in the said concélébration and also to all seminarians who take pan in it.

(b) in their own churches or oratories, to all members of institutes professing the evangelical counsels and to all members of other societies in which they dedicate themselves to God by religious vows or oblation or promise; furthermore, to all those who live day and night in a house of such institutes or societies.

9. To priests who take part in large celebrations but are not able to celebrate or concelebrate.

10. To all who are making spiritual exercises, at the Mass which is specially celebrated during these exercises for a group of this kind and in which they actively participate; to all those who participate in a meeting of some pastoral group, at the Mass which they celebrate in common.

11. To those mentioned under numbers 2 and 4, at their jubilee Mass.

12. To the godfather, godmother, parents, spouses and lay catechists of a baptized adult at the Mass of his initiation.

13. To the parents, family as well as outstanding benefactors who participate in the Mass of a newly-ordained priest.

14. To members of communities, at the conventual or "com-

munity" Mass in accord with n. 76 of the *General Instruction of tbe Roman Missal.*

AAS 62-664, S. C. Cult. Div., instruction, 29 June, 1970. Annotations in *Epbem. Liturg.,* 84 (1970), 383-387 (Braga); Normae, 6 (1970), 326-328.

Communion Under Both Species: United States (N.C.C.B., 18 Nov., 1970) Private.

In accordance with the decree of the National Conference of Catholic Bishops at its meeting of 16-20 November, 1970, the following should be added to the cases for Communion under both species enumerated in the instructionl issued by the Sacred Congregation for Divine Worship on 29 June, 1970:

1.Communion may be given under both kinds, in accordance with the judgment of the Ordinary, to other members of the faithful present on the special occasions enumerated in n. 242 of the *General Instruction of tbe Roman Missal,* as well as at funeral Masses and at Masses for a special family observance.

2.Communion may be given under both kinds, in accordance with the judgment of the Ordinary, at Masses on days of special religious or civil significance for the people of the United States.

3.Communion may be given under both kinds, in accordance with the judgment of the Ordinary, at Masses on Holy Thursday and at the Mass of the Easter Vigil, the norms of the instruction of 29 June, 1970 being observed.

4.Communion may be given under both kinds, in accordance with the judgment of the Ordinary, at weekday Masses.

(Private); N.C.C.B., decree, 18 Nov., 1970; reported in *Newsletter Bps. Coni. Lit., 6(1970),* n. 11, p. 1; 7 (1971), nn. 1-2, p. 8; nn. 4-5, pp. 5-6.

Comtnunion Under Both Species: France: norms issued by episcopal conference, 28 Oct., 1970; reported in *Doc. Cath.,* 67 (1970). 1026-1027.

Host Fragments: Treatment of. *See* c. 818; S. C. Doct. Fid., 2 May, 1972.

CANON 853

Non-Catholic Christians: Admission to Holy Communion. *See* c. 731; Sec. Christ. Unit., 1 June, 1972.

l Reported above under this same canon.

CANON *854*

Pirst Holy Communion: Children: age, preparation for. *See* c. 1329; S. C. Clcr., II April, 1971, addendum.

CANON 856

Absolution from Grave Sin Before Communion (S. C. Doct. Fid., 11 July, 1968) Private.

The S. Congregation for the Doctrine of the Faith has taken cognizance of the following case: Λ priest asks if one must always consider as being in force the prescription of canon 856 of the Code of Canon Law, in virtue of which sacramental absolution is required before Communion if one has committed a grave sin.

The response of higher authority is that the discipline prescribed by the canon is always obligatory and that, as a result, all other interpretations are rejected as foreign to the sense of the Church.

(Private); S. C. Doct. Fid., Reply, 11 July, 1968, Prot. N. 740/68, reported in *La Doc. Cath.,* 66 (1969), 349 and *Vida Religiosa. 26* (1969), 389; both sources note that the reply was to all the local Ordinaries of Italy in a letter addressed to Giovanni Cardinale Urbani.

CANON 857

Communion More Than Once a Day (Archbish. Balt., 4 June, 1972) Private.

hollowing is the announcement issued by Cardinal Shehan, Archbishop of Baltimore (Maryland, U.S.A.).

As of 4 June, 1972, His Eminence Cardinal Shehan grants to all Catholics here in the Archdiocese of Baltimore permission to receive Communion twice a day whenever they attend and participate in two distinct Masses on that day. The two celebrations of Mass may be distinct depending on the reason for which they are attended. If one goes to Mass with his family and later goes with another group to which he belongs, he may indeed wish to participate fully in both Masses. Different people may find different reasons for their desire to participate more fully in more than one Mass which they attend. However, this permission should not be understood in mathematical terms, as if the mere fact of going to Communion more than once

were *in itself* meritorious. The purpose is to facilitate the fullest participation possible for those Catholics who will have good reason, at one time or another, to attend two Masses on the same day. This permission may be used in cases in which one of the two Masses participated in would be; a funeral Mass; a home Mass; a Mass which centers around the conferral of one of the Sacraments; a Mass celebrated in conjunction with retreats, days of recollection, graduation, religious professions, meetings of a religious nature such as workshops and the like.

(Private); Archbish. Balt., notice, 4 June, 1972; reported in *Newsletter Bps. Coin Lit.,* 8 (1972), nn. 7-8, p. 6. Some other local Ordinaries in U.S.A, have given similar permission.

Priest: Reception of Communion and later celebration of Mass on same day. *Seec.* 806; S. C. Rit., 3 Feb., 1968.

CANON 858

Eucharistic Fast for Sick and Their Attendants (S. C. Sacr., 3 Dec., 1970) Private.

Petition. The president of the Episcopal Conference of Canada, prostrate at the feet of Your Holiness, in the name of all bishops, in view of the needs of the sick, humbly requests the faculty to dispense from the law of the Eucharistic fast the sick who arc hospitalized and the persons assigned to their care.

Reply. As a result of the audience on 26 November, 1970, our Holy Father, Pope Paul VI, after having listened to the report of the Cardinal Secretary of State and having attended to the special circumstances set forth by the president of the Episcopal Conference of Canada, graciously grants the requested faculty to each of the members of the said episcopal conference provided that a quarter of an hour intervene between the taking of solid food and non-alcoholic drink and the reception of Holy Communion so that due reverence to the Blessed Eucharist may be preserved and surprise on the part of the faithful removed. Remaining in force is the induit for the sick which is given in n. 4 of the *motu proprio, Sacram Communionem,'* of 19 March, 1957 *(AAS* 49 [1957], 177); the other

'Reported in *Canon Imw Digest,* 4, p. 287.

usual dispositions of soul and body are to be observed; all things to the contrary notwithstanding.

The present grant will be valid *for three years.*

(Private); S. C. Sacr., induit, 3 Dec., 1970, Prot. N. 465/70; copy of original kindly sent us by the Canadian Canon Law Society.

CANON 874

Delegated Faculties for Vicariate of Rome (Vic. Rom., 2 Aug. 1968)

Private.

With the intent of meeting pastoral exigencies on a broader scale and with the approbation of the Holy Father, the following provision is established regarding faculties to hear sacramental confessions in the Diocese of Rome together with derogation of some norms set by the Diocesan Synod of Rome:

1. Priests passing through Rome, if their sojourn in the City is not protracted beyond three months, and if they possess the regular letter of leave of absence of their respective Ordinary, have the faculty to hear confessions with the same limitations as on the faculty granted them in the diocese from which they come. This faculty is valid in the whole territory of the Diocese of Rome with the exception of the patriarchal basilicas and with exclusion of the faculty to hear confessions of religious women.

2. In order to exercise the above-mentioned faculty, it is required:

for validity: the absence of a personal prohibition to reside or to hear confessions in Rome; the certification of the *celebret* of a secular priest on the part of the Vicariate and of a residence in Rome not over one month,

for liceity consent of the pastor or of the competent ecclesiastical superior of the church or oratory or community in which such ministry is to be exercised.

3. lhe concession of faculties to priests regularly resident in Rome is regulated by the norms in force which remain unchanged (arts. 63, 64, 69, 70 ot the Diocesan Synod).

I-rom the Vicariate of Rome, 2 zVugust, 1968.

(Private), Vic. Rom., faculties, 2 Aug.. 1968, reported by Ochoa in *Leges Ecclesiae,* vol. 3, n. 3681

Diocesan Decree Delegating Jurisdiction for Confessions: Some previous such decrees reported in *Canon Law Digest,* 6, p. 567. Another such decree:

Jamaica: Kingston and Montego Bay: The following ordinary faculties of the Archdiocese of Kingston arc granted to all priests regularly assigned to this archdiocese; these faculties are valid until revocation or until a priest's definitive departure from the archdiocese for another regular assignment. Any visiting priest who has faculties for hearing confessions from his own proper ordinary or from any local Ordinary, on arrival in the archdiocese, automatically receives the ordinary faculties of this archdiocese for the duration of his stay. By concession of the Bishop of Montego Bay all the above priests who visit that diocese have also its ordinary faculties for the duration of their stay there.

(Private); Archdiocese of Kingston, Jamaica, decree effective 20 Sept., 1968; the Diocese of Montego Bay has the same converse decree. Document kindly sent us by the Rev. M. B. Walsh, S. J., Chancellor of the Kingston /Vchdiocese.

North India: *See* c. 66; Reg. Conf. N. I., 1969.

CANON 876

Confessional Jurisdiction: Special, for religious women, no longer necessary. *See* c. 595; S. C. Rel. cl S. 1., 8 Dec., 1970, sect. 1, n. 4, *a).*

CANON 886

General Sacramental Absolution (S. C. Doct. Fid., 16 June, 1972) AAS 64-510.

Herewith are the "pastoral norms regarding the imparting of sacramental absolution in a general way."

Christ the Lord instituted the sacrament of penance in order that the faithful who are sinners might obtain from the mercy of God pardon for the offense committed against Him and at the same time might be reconciled with the Church.[1] This, of course, He did when He conferred upon the apostles and their legitimate successors the power to remit and to retain sins.

'cf. Dog. *Const, on the Church,* n. 11.
2C(. Jn. 20:22 f.

The Council of Trent solemnly taught that for complete and perfect remission of sins three acts are required on the part of the penitent as parts of the sacrament, namely, contrition, confession and satisfaction. It also taught that absolution by a priest is a judicial act and that by divine law it is necessary to confess to a priest each and every mortal sin and the circumstances which change the species ot the sin insofar as the memory can recall them after a diligent examination of conscience.[3]

On the other hand, many local Ordinaries are concerned, from one angle, about the difficulty their faithful have in getting to individual confession because of the dearth of priests existing in some places and, from another angle, about certain erroneous theories regarding the doctrine of the sacrament of penance and the growing tendency and unwarranted practice of imparting sacramental absolution to many persons at one and the same time who have made only a generic confession. They have besought the Holy Sec to recall to the mind of the Christian people, in accord with the true nature of the sacrament of penance, the conditions necessary for the correct use of this sacrament and to set forth some norms in the present circumstances.

This S. Congregation, after having carefully considered these issues and having taken into account the instruction of the S. Apostolic Penitentiary of 25 March, 1944,[3a] makes the following declarations:

I

The teaching of the Council of Trent must continue to be firmly held and faithfully put into practice. Therefore, to be reprobated is the recent practice which has arisen here and there and which presumes that the precept of sacramentally confessing mortal sins in order to obtain absolution is satisfied by a confession which is only generally or, as they say, communally made. Aside from the divine precept declared in the Council of Trent, also demanding this is the greater good of souls which from the experience of the centuries has derived from individual confession properly made and administered. Individual and integral confession and absolution continue to be the only ordinary way by which the faithful can reconcile themselves with God and with the Church unless physical or moral impossibility excuses from this kind of confession.

[3] Cf. Sess. XIV, canons 4. 6-9 on the sacrament of penance; *Denz –Schon* 1704. 1706-1709.

[3a] Reported in *Canon Law Digest,* 3. pp. 377-379.

II

Because of special circumstances which sometimes occur, it is possible that absolution be allowed or even necessitated to be imparted in a general manner to many penitents without prior individual confession.

This can happen especially when there is imminent danger of death and there is not sufficient time for one priest, or even if more are present, to hear the confessions of individual penitents. In such a case, every priest has the faculty to impart general absolution to many persons after having briefly exhorted them, if time allows, to take care to elicit an act of contrition individually.

III

In addition to cases in which there is danger of death, sacramental absolution may be given to many of the faithful at one and the same time after only a generic confession but after having been duly exhorted to penitence if there is present a serious need, particularly when, in view of the number of penitents, a supply of confessors is not at hand for the proper hearing of individual confessions within an appropriate time with the result that the penitents, without fault on their part, would be compelled to be without the grace of the sacrament or without Holy Communion for a long time. This can happen particularly in mission territories but also in other places as well as within groups of persons in which that need clearly exists.

However, when confessors can be on hand, this is not permissible simply because of a large number of penitents, such as, for example, can be had on some great festivity or pilgrimage.[4]

IV

Local Ordinaries and, insofar as it pertains to them, priests are obliged in conscience to see to it that the number of confessors does not become too small by reason of the fact that some priests neglect this outstanding ministry[5] while involving themselves in temporal matters or spending their time on other less necessary ministries, especially if those ministries can be performed by deacons or qualified lay persons.

4Cf. Prop. 59 of those condemned by Innocent XI on 2 March, 1679: *Denz.-Schon.,* 2159.

5Cf. *Deer, on Priestly Min.,* nn. 5, 13; *Deer, on Past. Off. of Bps.,* n. 30.

V

This making of judgment whether the above-mentioned[6] conditions are present and, as a consequence, the decision when it is permissible to grant general sacramental absolution are reserved to the local Ordinary after he has taken counsel with other members of the episcopal conference.

If, over and above the cases established by the local Ordinary, some other serious need arises for granting sacramental absolution to many at one time, the priest is obliged to have prior recourse to the local Ordinary whenever this is possible, in order that he may licitly grant absolution; otherwise, he should inform the said Ordinary as soon as possible about this kind of need and about the absolution granted.

VI

Insofar as the faithful are concerned, in order that they may take advantage of sacramental absolution granted to many at one and the same time, it is absolutely required that they be properly disposed, that is, that each one be sorry for his sins and that he propose to abstain from sins, that he resolve to make reparation for scandal and harm done, if any, and at the same time intend in due time to confess individually the serious sins which he cannot at present thus confess. The faithful should be carefully instructed by priests regarding these dispositions and conditions which are required for the validity of the sacrament.

VII

Those who have serious sins remitted by a common absolution should make an auricular confession before they again receive another absolution of this kind unless they arc prevented by' a just cause. They are absolutely obliged, however, unless moral impossibility stands in the way, to go to a confessor within a year. For them also the precept holds that every member of the faithful is obliged to confess individually to a priest at least once in a year all his sins, that is, serious sins, which he has not yet confessed individually.[7]

6N. III.

Cf. IV Laceran Council, c. 21 with Council of Trent, *Doct. on Sac of* fn7i7O7 ?7n« dCr pOnfCSi\OnC' >nd Can* *Den^chon.,* 812, 1679-1683 and 1707-1708, cf. Prop. 11 condemned by the Holy Office in its decree of 24 Sept., 1665; *Dem. Schon.,* 2031.

VII!

Priests should teach the faithful that those whose conscience is burdened with mortal sin, are prohibited, if a confessor is available, from purposely or out of negligence failing to satisfy the obligation of individual confession while awaiting an occasion when absolution will be given to many simultaneously.[8]

IX

In order that the faithful may be able easily to satisfy the obligation of making an individual confession, care should be taken that confessors are available in the churches on days and at hours set for the convenience of the faithful.

In places, however, which are distant and remote, where a priest can come rarely during the year, matters should be so arranged that the priest, insofar as it can be done, each time hear the sacramental confessions of some group of penitents while for the other penitents, if the above-mentioned conditions arc verified,[9] he grants general sacramental absolution. This, however, should be so arranged that all the faithful, if possible, may be able to make an individual confession at least once a year.

X

The faithful should be clearly taught that liturgical and communal penitential rites are very useful by way of preparation for a more fruitful confession of sins and for amendment of life. On the other hand, care should be taken lest celebrations or rites of this kind be confused with sacramental confession and absolution.

If penitents make an individual confession during celebrations of this kind, each one should individually receive absolution from the confessor to whom he goes. In the instance, however, if sacramental absolution is to be given to many at one and the same time, this should always be imparted in accord with the special ritual drawn up by the Sacred Congregation for Divine Worship.[10] The performance of this ritual should be completely distinct from the celebration of Mass.

[g] Cf. Instr, of the S. Apostolic Penitentiary, 25 March, 1944; reported in *Canon Law Digest,* 3, pp. 377-379.

9Cf. n. III.

10Nevertheless, until the promulgation of this new ritual, the presently prescribed words of sacramental absolution must be used but, of course, changed to the plural number.

XI

If a person is actually a source of scandal to the faithful and if he is sincerely penitent and seriously intends to remove the scandal, he can, to be sure, receive sacramental absolution along with the others; nevertheless, he should not receive Holy Communion until after he shall have removed the scandal in accord with the judgment of the confessor to whom he should first of all personally have recourse.

With regard to absolution from reserved censures, the norms of the current law should be observed with the computation of time of recourse starting from the next individual confession.

XII

With reference to frequent or "devotional" confession, priests should not dare to dissuade the faithful from it. On the contrary, let them recommend its rich benefits for Christian living[1] and always show themselves ready to hear such a confession whenever it is reasonably requested by the faithful. What must be altogether avoided is that individual confession be reserved for mortal sins alone; such a practice would deprive the faithful of the best benefit of confession and would harm the reputation of those who individually approach the sacrament.

XIII

Unless the above-mentioned norms are observed, sacramental absolution granted generally must be considered a grave abuse. All pastors should carefully ward off such abuse, conscious of the moral responsibility enjoined on them to safeguard the good of souls and the dignity of the sacrament of penance.

The Supreme Pontiff, Pope Paul VI, in the audience granted to the undersigned Cardinal Prefect of the Sacred Congregation for the Doctrine of the Faith on the 16th day of June, 1972, approved these norms in a special manner and ordered that they be promulgated and have force immediately.

From Rome, from the offices of the Sacred Congregation for the Doctrine of the Faith, the 16th day of June, 1972.

AAS 64-510, S. C. Doct. Fid., norms 16 June, 1972. A press conference on the new norms was held on 13 July, 1972, by the Rev. Prof. Vincenzo Miano,

[1] Cf. encyc. *Mystici Corporis, AAS,* 35 (1943),235.

S.D.B., consultor of the S. C. Doct. Fid.; English version in the English cd. of *O. R.,* *27* July, 1972; Pope Paul VI also discussed the norms in an allocution to a general audience on 19 July, 1972; Eng. version in *O. R., 27* July, 1972, and also in *T.P.S.,* 17 (1972), 272-274. Neither of these two addresses was published in *AAS.* Annotations in *Clergy Monthly,* 36 (1972), 390-393 (Lobo); Noritwe, 8 (1972), 317-326 (Zalba).

CANON 906

First Confession: Children: age and preparation for; relation to First Communion. *See* c. 1329; S. C. Cler., 11 April, 1971, addendum.

CANON 915

General Absolution: Formula. *See* c. 2; S. C. Rit., 9 April, 1968.

CANON 925

Norms for Grants of Indulgences (S. Paen., 1967) Private.

NORMS FOR RELIGIOUS INSTITUTES AND PIOUS ASSOCIATIONS

In order that this S. Penitentiary may be able to pass judgment on which "special days only" in accord with n. 14 of the apostolic constitution, *Indulgentiarum doctrina,*[1] plenary indugences are to be conceded, the superior general (if there is question of a religious institute) or the local Ordinary (if there is question of a pious association) will please give a list of only some days on which, in preference to others, a plenary indulgence is desirable.

The days referred to above should be listed in an orderly way, placing first the day which is preferred to another day.

It should be noted that this S. Penitentiary is already of a mind to grant a plenary indulgence on the following days:

I. *For a Religious Institute*

A. For the entire institute:

1) the feast of the principal titular or patron.

[1] Reported in *Canon Lau Digest, 6,* p. 570.

2) the feast of the founder who is canonized or beatified.

3) the occasion of a general chapter.

B. For individual houses:

1) the feast of the principal patron of the house.

2) the feast of those saints and blessed whose body or notable relic is kept at that place.

3) the termination of a regular visitation.

C. For individual members:

1) the day of entrance into the novitiate.

2) the day of first profession.

3) the day of perpetual profession.

4) the 25th, 50th, 60th and 75th anniversary of first profession.

II. *For Pious Associations of the Faithful*

1) the feast of the principal titular or patron.

2) the day of enrolment.

In the case of pious associations of the faithful, the principal undertakings of piety, religious culture and charity of the association itself should be indicated.

FOR CHURCHES OR ORATORIES

In order that this S. Penitentiary may be able to pass judgment as to which indulgences can be confirmed or newly granted to a given church or oratory, in accord with the last section of norm 15 of the apostolic constitution, *Indulgentiarum doctrina,* answers must be given to the following questions:

1) Have indulgences been already granted to the church or oratory? If so, a list of them should be given.

2) Who is the *titular* of the church or oratory?

3) Is the body or a notable relic of some saint or blessed kept in the church or orators'? If so, is it honored with special devotion?

4) Which feast day is celebrated with a great concourse of people?

(Private). S. Paen., Norms, 1967; reported with annotations (Navarro) in Corn, *pro Relig.,* 49 (1968), 172.

New Edition of *Enchiridion Indulgentiarum:* Norms Governing Indulgences (S. Paen., 29 June, 1968) AAS 60-413.

DECREE

In the apostolic constitution, *Indulgentiarum doctrina,'* of 1 January, 1967, we read: "As a result, in order that the very use of indulgences may be brought to a higher level of dignity and esteem, Holy Mother, the Church, has thought it appropriate to introduce some changes in their discipline and has decreed that new norms must be issued."

Moreover, norm 13 of the said constitution stipulates: "A schedule of indulgences will be drawn up with the intention that only the principal prayers and the principal works of piety, charity and penance shall have indulgences attached to them."

In obedience to the will of the Supreme Pontiff as he himself has manifested either in the apostolic constitution, *Indulgentiarum doctrina,* or in more recent indications, this Sacred Penitentiary has seen to the careful preparation of a new *Enchiridion of Indulgences [Raccolta].*

Wherefore, after listening to the report of the undersigned Cardinal, the Major Penitentiary, in the audience granted him on the 14th day of June of the current year, the Supreme Pontiff, Paul VI, on the 15th day of the said month approved the new *Enchiridion of Indulgences* as published by the Vatican Press and ordered that it be held as the authentic edition. General grants of indulgences which are not reported in the said *Enchiridion* are abrogated. Also abrogated are the provisions regarding indulgences in the Code of Canon Law, apostolic letters – even those issued *motu proprio* – and decrees of the Holy See if they are not included in the *Norms* given below regarding indulgences.

All things to the contrary notwithstanding, even if they are deserving of special mention.

Given at Rome, from the Sacred Apostolic Penitentiary, on the 29th day of June, 1968, the feast of the holy apostles, Peter and Paul.

t Joseph Card. Ferretto
Major Penitentiary

'Dispositive section reported in *Canon Law Digest,* 6, p. 570.

OFFICIAL NOTE: *From the Enchiridion of Indulgences are herewith reported 36 norms which in a single and olderly arrangement set forth all the general dispositons which are in effect at the present time relative to indulgences.*

NORMS REGARDING INDULGENCES

1. An indulgence is the remission before God of the temporal punishment due for sins whose guilt has already been forgiven, which one of the faithful, properly disposed and having fulfilled certain conditions, gains through the Church, which, as the minister of redemption, authoritatively dispenses and applies the treasure of satisfaction of Christ and the saints.[1][2]

2. An indulgence is partial or plenary according as it frees from the temporal punishment due to sin either in part or completely.*

3. No one who gains indulgences can apply them to other living persons.[3]

4. Indulgences, both plenary and partial, can always be applied to the deceased by way of suffrage.[4]

5. Concession of a partial indulgence is designated by these words only: *Partial indulgence,* without any additional specification of days or years.[5]

6. A Christian who, with at least a contrite heart, performs a work which is enriched with a partial indulgence, receives through the Church as much remission of temporal punishment as he has already gained by his act.[6]

7. The distinction of indulgences according to persons, thingsand places is no longer used, so as to show more clearly that it is the actions of the faithful that arc enriched with indulgences, even though these arc sometimes connected with a certain thing or place.[7]

8. Besides the Roman Pontiff to whom the dispensing of the entire spiritual treasury of the Church has been entrusted by Christ,

[1] *Indulg doct.,* n. 1.
[2] *Ibtd.,* n. 2.
[3] Cf. C./.C., can. 930.
[4] *hidulg. doct.,* n. 3.
[5] Cf. *tbid.,* n. 4.
[6] *Ibid.,* n. 5.
[7] *ibid.,* n. 12.

our Lord, ordinary power to grant indulgences belongs only to those persons to whom it has been expressly granted by Jaw.8

9. In the Roman Curia, to the Sacred Penitentiary alone are entrusted those matters which concern the granting and use of indulgences, without prejudice, however, to the right of the Congregation for the Doctrine of the Faith to pass judgment in matters touching on dogmatic teaching regarding indulgences.9 10

10. Persons below the Roman Pontiff cannot:

1° commit to others the faculty of granting indulgences unless expressly authorized to do so by the Apostolic See.

2J attach another indulgence to the same work to which an indulgence has already been granted by the Apostolic See or other party unless new conditions are prescribed for fulfilment.1 0

11. Diocesan bishops and other persons equated with them in law have the right from the moment they enter into their pastoral office:

§1. to grant a partial indulgence to persons or in places within their jurisdiction.

§2. to impart within their respective dioceses and with the prescribed formula the papal blessing together with a plenary indulgence three times a year on solemn feasts of their own choice, even if they only assist at the solemn Mass.1 1

12. Metropolitans can grant a partial indulgence in their suffragan dioceses just as they can in their own dioceses.123

13. Patriarchs can grant a partial indulgence in every place, even if exempt, of their patriarchates; also in churches of their own rite located outside the boundaries of their patriarchate, as well as to the members of their rite anywhere. Major archbishops can make the same grants.1 3

8C./.C., can. 912.

9Cf. Apost. const., *Regimini Ecclesiae universae,* 15 Aug., 1967, η. 113; AAS, 59 (1967), 923; reported in *Canon Law Digest,* 6, p. 352.

10Cf. *C.I.C.,* can. 913.

11 §1. Cf. *C.I.C.,* can. 349, §2, 2°; cf. *motu proprto, Cleri sanctitati,* 2 June, 1957, can. 396, §2, 2°; 364, §3, 3° 367, §2, 1°; 391: AAS 49(1957), 541 ff.

§2. Cf. *C.I.C.,* can. 914; cf. also *motu proprio. Suburbicariis sedibus,* 11 April, 1962, II, 2; AAS 54 (1962), 255 reported in *Canon Law Digest,* 5, p. 271.

12Cf. *C.I.C.,* can. 274; cf. *motu proprio. Cleri sanct.,* can. 319, 6°; 320, §1, 4 .

13Cf. *motu proprio, Cleri sanct.,* can. 283, 4°; cf. also can. 326, §1, 10° (can. 319, 6°) and §2.

14. Cardinals possess the faculty to grant a partial indulgence in places and in institutions and for persons under their jurisdiction or protection. They can do the same in other places but the indulgence can be gained only by those present on each occasion.[14]

15. §1. All books, booklets, leaflets, etc., which contain grants of indulgences may not be published without permission of the local Ordinary or Hierarch.

§2. On the other hand, the express permission of the Apostolic See is required in order to publish in any language an authentic collection of prayers and pious works to which the Apostolic See has attached indulgences.[15]

16. Persons who have requested and obtained from the Supreme Pontiff grants of indulgences for all the faithful are obliged, under penalty of nullity of the favor obtained, to send authentic copies of the said grants to the Sacred Penitentiary.[16]

17. The indulgence attached to some feast is understood robe transferred to the day to which such a feast or its external solemnity is lawfully transferred.[17]

18. To gain an indulgence which is attached to a certain day, if a visit to a church or oratory is required, it can be made from noon of the preceding day to midnight which terminates the specified day.[18]

19. A Christian who with a pious intention makes use of an *object of piety* (crucifix, cross, rosary, scapular, medal) duly blessed by any priest, gains a partial indulgence.[19]

20. §1. Indulgences attached to a visit to a church do not cease if the church, after having been completely destroyed, is rebuilt within fifty years in the same or almost the same place and under the same title.

§2. An indulgence attached to the use of an *object of piety* ceases only when the said object is entirely destroyed or is sold.[20]

21. Holy Mother Church, ever most solicitous for the faithful departed, while abrogating any privilege whatsoever in this matter,

14Cf. *C.I.C.,* can. 239, *mom proprto, Cleri sanet.,* can. 185, §1,24°.
15Cf. *C.I.C.,* can. 1388.
16C./.C., can. 920.
17Cf. *C.I.C.,* can. 922; cf. also *Code of Rubrics,* nn. 356-359; AAS, 52 (1960), 657 – reported in *Canon Law Digest,* 5, p. 89.
18C./.C., can. 923.
Indulg. doct,, n. 17.
20Cf. C./.C., can. 924.

decrees that these departed souls be most abundantly aided by every sacrifice of the Mass.21

22. §1. In order to be capable to gain indulgences for oneself, a person must be baptized, not excommunicated, in the state of grace at least at the end of the prescribed works, and a subject of the party granting the indulgence.

§2. However, in order that a capable subject actually gain the indulgence, he must have at least a general intention to gain them and must perform the prescribed works at the appointed time and in the proper manner according to the tenor of the grant.

23. Unless the contrary appears from the tenor of the grant, indulgences granted by a bishop can be gained both by his subjects, even if outside his territory, and by travelers *(peregrini),* wanderers *(vagi),* and all exempt persons who are living in his territory.22 23 24

24. §1. A plenary indulgence can be gained only once in a day.

§2. However, a member of the faithful can acquire a plenary indulgence *at the moment of death,* even if he has already gained another plenary indulgence on that same day.

§3. But a particular indulgence can be gained several times in a day unless there is an express provision to the contrary.

25. The prescribed work for gaining a plenary indulgence which is attached to a church or oratory is a pious visit to it, in which the Lord's prayer and the symbol of faith *(Pater* and *Credo)* are recited.

26. To gain a plenary indulgence it is necessary to perform the work to which the indulgence is attached and to fulfill three conditions, namely: sacramental confession, Eucharistic Communion, and prayer according to the intention of the Supreme Pontiff. It is, moreover, required that all attachment toward any sin whatever, even venial, be excluded.

If the required dispositon is lacking or the aforesaid conditions are not fulfilled, the indulgence will be only partial, except as provided in numbers 34 and 35 for persons who are "impeded."26

27. The three conditions can be fulfilled several days before or after the performance of the prescribed work; but it is proper that

21ndulg. doct., n. 20.
22C./.C„ can. 925 : cf. can. 2262.
23C./.C., can. 927.
24hidulg. doct., n. 6; cf. also n. 18.
2sIbtd., n. 16.
26lbtd.. n. 7.

the Communion and the prayer aecording to the intention of the Supreme Pontiff be done on the very day on which the work is performed.27

28. Several plenary indulgences can be gained by a single sacramental confession, but only one is gained by a single Eucharistic Communion and a single prayer according to the intention of the Supreme Pontiff.28

29. The condition of praying according to the intention of the Supreme Pontiff is completely fulfilled if an *Oı/r Father* and *Hail, Mary* are recited once for the intention, but any of the faithful may recite any other prayer according to each one's piety and devo-ıion.29

30.The norms concerning plenary indulgences, especially that which is stated in n. 24, §1, apply also to those plenary indulgences which have hitherto been commonly designated as *"totiesquoties."*30

31.Λ person cannot gain an indulgence by performing a work to which he is obliged by law or by precept unless the contrary is expressly stated in the said grant. However, he who perforins a work imposed upon him in sacramental confession, if it happens to be enriched with indulgences, can, at one and the same time, fulfill his penance and gain the indulgences.31

32. An indulgence attached to a certain prayer can be gained by reciting the prayer in any language provided that the correctness of the translation be certain from a declaration of the Sacred Penitentiary or one of the Ordinaries or Hierarchs of the places where the language into which the prayer is translated, is commonly used.32

33. In order to gain indulgences, it is sufficient to recite the prayer alternately with a companion, or to follow it mentally while it is recited by another person.33

34.Confessors can commute either the prescribed work or the conditions tor those who arc unable to perform them because of some lawful impediment.34

21Ibtd., n. 8.
*2*lbid..* n. 9.
29Ibid., n. 10.
30lbid„ n. 19.
3,C./.C„ can. 932.
32Cf. C./.C., can. 934. §2.
33C./.C. can. 934, §3
34Cf. *C.I.C.,* can. 935.

35. Local Ordinaries or Hierarchs can, moreover, grant to members of the faithful over whom they have authority according to law and who arc living in places where it is impossible or very difficult to go to confession or Communion, the faculty to gain a plenary indulgence without actual confession and Communion provided they arc truly contrite and resolve to receive these sacraments as soon as they can.[35]

36. Mutes can gain indulgences attached to public prayers if, together with the other faithful praying in the same place, they raise their mind and pious sentiments to God. if there is question of private prayers, it is sufficient that they recite them mentally, or say them with signs, or merely read them with their eyes.[36]

AAS 60-413; S. Paenit., Decree and Norms, 29 June, 1968. Annotations in *Clergy Rev.,* 54 (1969), 136-140 (McReavy); *Coni, pro Relig.,* 49 (1968), 217-274 (Gorricho).

"Portiuncula" Indulgence (S. Paen., 10 Jan., 1968) Private.

As an exception to the limitations set on gaining the "Portiuncula" indulgence as provided for in the apostolic constitution, *Indulgentiarum doctrina,*[1] the following rescript is herewith reported.

Petition. The minister general of the Friars Minor Capuchin humbly petitions that the members of the faithful, after having gone to confession, received Holy Communion, and reciting once according to the intention of the Supreme Pontiff an *Our Father* and *Hail Mary* or any other prayer according to each one's devotion, may be able to gain once a plenary indulgence on the 2nd of August or, with the consent of the Ordinary, on the Sunday immediately preceding or following that date if they shall have devoutly visited any church, or public oratory, or (for those lawfully using it) semipublic oratory of the aforesaid Order of rhe Friars Minor Capuchin and there recited an *Our Father* and *Creed.*

Reply. On the 10th day of January, 1968, the Sacred Apostolic Penitentiary graciously grants the favor as requested *in perpetuity* without any issuance of an apostolic letter in the form of a brief. All things to the contrary notwithstanding.

(Private); S. Paen.. rescript. 10 Jan.. 1968. Prot. N. 38/68 **R**; reported in *Analecta 0.1·'.M. Cap.,* 86 (1968), 109. Two other rescripts with identical

3sCf. *Indulg. doct.,* n. 11.
36C./.C„ can. 936.

term?; were issued on the same date to: (1) Capuchin Nuns of the Second Order (Prot. N. 39/68 R) and (2) Capuchin Nuns of the Third Order (Prot N 40/68 R).

CANON 937

Anointing of the Sick (Paul VI, 30 Nov., 1972) AAS 65-5.

The apostolic constituion, *Sacrant unctionem infirmorum* is as follows.

The Catholic Church professes and teaches that the sacred Anointing of the Sick is one of the seven sacraments of the New Testament instituted by Christ, our Lord, "insinuated, indeed, in Mark (AIL 6:13), but commended to the faithful and promulgated by James, the apostle and brother of the Lord. *Is anyone among you sick?* he asks. *Let him bring in the presbyters of the Church and let them pray over him, anointing him with oil in the name of the Lord; and the prayer offaith will save the sick man, and the Lord will raise him up, and, if be be in sins, they shall be forgiven him (Jas.* 5:14-15)."'

Even from ancient times, evidences of the anointing of the sick are found in the tradition of the Church, especially in liturgical tradition, both in the east and in the west. To be recalled especially are the letter which Innocent I, Our predecessor, wrote to Decentius, bishop of Gubbio,2 as well as that venerable prayer used for blessing the oil for the sick: "Send forth, O Lord, your Holy Spirit, the Paraclete," which was inserted into the eucharistie prayer3 and is still preserved in the *Roman Pontifical?*

'Council of Trent: Scss. XIV, *De extr. unci.,* chap. I (cf. *ibid.,* can. *I): CT* VII, 1, 355-356: *Denz.-Schon.* 1695, 1716.

2Epist. Si *Instituta Ecclesiastica,* chap. 8: *PL* 20, 559-561 ; *Denz. Schon.* 216.

3Liber Sacramentorum Romanae Aeclesiae Ordinis Anni Circuli, cd. L. C. Mohibcrg *(Rerum Ecclesiasticarum Documenta, Fontes,* IV) Rome, 1960, p. 61; *Le Sacramentaire Grégorien,* ed. J. Dcshusscs *(Spicilegium Friburgense,* 16), Fribourg, 1971, p. 172; cf. *La Tradition Apostolique de Samt-Hippolyte,* cd. B. Botte *(Liturgiewissenschaftliche Quellen und Forschungen,* 39), Munster in W., 1963, pp. 18-19; *Le Grand Euchologe du Monastère blanc,* ed. E. Lanne *(Patrologta Orientalis* XXVIII, 2), Paris, 1958, pp. 392-395.

Cf. *Pontificale Romanum: Ordo benedicendi Oleum Catechumenorum et Infirmorum et conficiendi Chrisma,* Città del Vaticano, 1971, pp. 11-12.

However, in the course of the centuries, those parts *of* the body of the sick person which were to be anointed with sacred oil were more explicitly defined, in various ways to be sure, in the liturgical tradition and many prayer formulas were used to accompany the anointings and they are contained in the ritual books of the various Churches. In the Roman Church, however, during the Middle /Ages, the custom of anointing the sick on the organs of the senses took hold and the formula used: "May the Lord forgive you by this holy anointing and His most loving mercy whatever sins you have committed" was adapted to each sense.5

Moreover, the doctrine concerning the sacred anointing is set forth in the documents of rhe ecumenical councils, namely, Florence, Trent especially, and Vatican II.

After the Council of Florence had described the essential elements of the anointing of the sick,67the Council of Trent declared its divine institution and elaborated those points which arc handed on in the epistle of St. James regarding the sacred anointing, especially as regards the reality and the effects of the sacrament: "This reality is (he grace of the Holy Spirit whose anointing wipes away the sins, if there arc still some to be expiated, and the remnants of sin; it also relieves and strengthens the soul of the sick person by arousing in him great confidence in the divine mercy whereby the sick person thus supported more calmly bears the troubles and labors of sickness and more easily resists the temptations of the devil *striking at tbe bed (Gen.* 3:15) and sometimes regains health of body if it is expedient for the welfare of the soul."'' Furthermore, the holy synod declared that in those words of the apostle it is not absolutely stated that "this anointing is to be used for the sick, but especially for those who arc lying so dangerously ill that they appear to be stationed at the end of life; as a result it is also called the sacrament of the dying."8 Finally, as regards the proper minister, it declared him to be a priest.9

5Cf. M. Andricu, *Le Pontifical Romain au Moyen-Age,* t. 1, *Le Pontifical Romahi du XIle siècle (Studi e Testi,* 86), Città del Vaticano, 1938, pp. 267-268; t. 2. *Le Pontifical de la Curie Romaine au XIIΓ siècle (Studi e Testi.* 87), Città dei Vaticano. 1940. pp. 491-492.

(›*Decr. pro Armeniis,* G. Hofmann, *Cone. Plorent.,* MI, p. 130; *Denz.-Schon.* 1 324 f.

7Coun. of Trent. Sess. XIV, *De extr. unct.,* chap. II; *CT* Vil, 1. 356 *Denz.-Schon.* 1696.

**lbid.,* chap. III: *CT. ibid.; Denz. Schon.* 1698.

'*ibid.,* chap. 111. can. 4: *CT. ibid.; Denz.-Schon.* 1697. 1719.

Vatican Council II has this addition: "'Extreme Unction' which can also and more properly be called 'the Anointing of the Sick,' is not a sacrament intended only for those who are in extreme danger of death. Hence the proper time for its reception is already certainly present when one of the faithful begins to be in danger of death because of infirmity or old age."[10]

Again, that the use of this sacrament pertains to the solicitude of the whole Church is shown by these words: "By the sacred anointing of the sick and the prayer of the priests the whole Church commends the ill to the suffering and glorified Lord so that lie may alleviate and save them (cf. *Jas.* 5:14-16). She even exhorts them to associate themselves freely with the passion and death of Christ (cf. *Rom.* 8:17; *Col.* 1:24; *2 Tim.* 2:11-12; *l Pet.* 4:13) and thus contribute to the benefit of the People of God."[11]

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All these points had to be kept in view so that, in revising the rite of sacred anointing, what is subject to change might be better accommodatcd to the conditions of our time.[12]

We believed that the sacramental form should be so changed that in relating the words of James the sacramental effects might be more serviceably expressed.

Again, since olive oil, which up to the present was prescribed for the validity of conferral of the sacrament, is unobtainable or difficult to obtain in some regions, We have decreed, at the request of many bishops, that in the future, in keeping with circumstances, another oil may be used but one extracted from plants inasmuch as this is more like the oil from olives.

As regards the number of anointings and the members to be anointed it has seemed opportune to make the rite simpler.

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Wherefore, since this revision in certain matters touches also the sacramental rite itself, by Our apostolic authority, We establish that what follows be observed for the future in the Latin rite:

[10] Vat. Coun. II. *Const, on Sac. Lit.,* n. 73: *AAS,* 56 (1964), 118-119. *Canon Law Digest,* 6, p. 52.

[11] Vat. Coun. II, *Dog. Const, on the Church,* 11. *AAS,* 57 (1965), 15.

[12] Cf. Vat. Coun. II. *Const, on Sac. Lit.,* 1 *AAS,* 56 (1964),97; *Canon Law Digest,* 6. p. 32.

THE SACRAMENT OF THE ANOINTING OF THE SICK IS ADMINISTERED TO THOSE DANGEROUSLY ILL BY ANOINTING THEM ON THE FOREHEAD AND HANDS WITH PROPERLY BLESSED OLIVE OIL OR, IF OPPORTUNE, WITH ANOTHER VEGETABLE OIL, AND SAYING ONCE ONLY THE FOLLOWING WORDS: "PER ISTAM SANCTAM UNCTIONEM ET SUAM PIISIMAM MISERICORDIAM ADIUVET TE DOMINUS GRATIA SPIRITUS SANCTI, UT A PECCATIS LIBERATUM TE SALVET ATQUE PROPITIUS ALLEVET."[13]

In a case of necessity, however, it is sufficient to perform a single anointing on the forehead or, if because of the special condition of the sick person, on another more apt part of the body and to recite the entire formula.

This sacrament may be repeated if the sick person, after having received the anointing, recovers and then again lapses into sickness, or if in the course of the same sickness the crisis becomes more serious.

Now that We have established and declared those matters regarding the essential rite of the sacrament of the Anointing of the Sick, We, by Our apostolic authority, also approve the *Order of the Anointing of the Sick and Their Pastoral Care* as revised by the Sacred Congregation for Divine Worship, and at the same time, if the case so warrants, We derogate from or abrogate the prescriptions of the *Code of Canon Law* and other laws prevailing up to this time; however, the other prescriptions and laws which are neither abrogated nor changed by the *Order,* remain valid and firm. The Latin edition of this *Order* will begin to be in force as soon as it is published; the vernacular editions, however, after they have been drawn up by the episcopal conferences and confirmed by the Apostolic See, will begin to be in force from the date established by the individual episcopal conferences. On the other hand, the old *Order* may be used down to the 31st day of the month of December of the year 1973. However, from the 1st day of January, 1974, only the new *Order* will be used by all those whom it concerns.

These Our statutes and prescriptions We wish to be now and for the future firm and effective in the Latin rite, notwithstanding, in-

[13] Translator's note: No officially approved English version was had when this went to press. zXn unofficial translation would be: "By this holy anointing and His most loving mercy, may the Lord help you with the grace of the Holy Spirit so that He may save and graciously relieve you, freed from your sins."

sofar as necessary, the apostolic constitutions and ordinances issued by Our predecessors as well as other prescriptions deserving special mention.

Given at Rome, at St. Peter's, the 30th day of the month of November in the year 1972, the tenth of Our pontificate.

AAS 65-5; Paul VI, ap. const., 30 Nov., 1972. Annotations; a press conference by Msgr. Martimort was given on 18 Jan., 1973, and reported in *O. R* 19 Jan., 1973, and in its English edition of 1 Feb., 1973; annotations by the same author in *Notitiae, 9* (1973), 66-69.

Oil of the Sick: Blessing of, revised rite. *See c.* 734; S. C. Cult. Div., 3 Dec., 1970.

CANON 940

Repetition: Of Anointing of the Sick. *See* c. 937; Paul VI, ap. const., 30 Nov, 1972.

CANON 945

Oil: Besides olive oil, another vegetable oil may be used if necessary. *See c.* 937; Paul VI, ap. const., 30 Nov., 1972.

CANON 947

Rite of Anointing of the Sick Published (S. C. Cult. Div., 7 Dec., 1972) AAS 65-275.

The S. C. for Divine Worship issued the following decree whereby "The Order of Anointing of the Sick and of Their Pastoral Care is published."

Since the Church exercises care of the sick, she serves Christ in the suffering members of His Mystical Body and, following the example of the Lord Jesus, who "went about doing good and healing all" (Acts 10:38), she obeys His command to care for the sick (*Mk.* 16:18).

The Church manifests this concern not only by visiting those laboring trom bad health but also by raising them up by means of the Sacrament of Anointing and by refreshing them with the

Sacrament of the Eucharist both during the time of their illness and when they arc in danger of death, and, finally, by pouring out for them prayers by which she commends them to God, especially those who find themselves at the ultimate decisive moment of life.

Now, in order that the significance of the Sacrament of /Anointing might be rendered more open to view and evident, Vatican Council II set down the following: "The number of anointings is to be adapted to the circumstances, and the prayers which belong to the rite of anointing arc to be revised so as to correspond to the various conditions of those who receive the sacrament."[1] It also prescribed that a continuous rite be prepared according to which the anointing is given to the sick person after confession and before reception of Viaticum.[2]3

Therefore, the Supreme Pontiff, Paul VI, established a new sacramental formula of anointing in the apostolic constitution, *Sacram Unctionem infirmorum;* issued on 30 November, 1972. He also approved the *Order of Anointing of tbe Sick and Their Pastoral Cure* which the Sacred Congregation for Divine Worship drew up and now releases, declaring it to be the typical edition, so that it may be substituted for the pertinent titles which are found in the *Roman Ritual* heretofore current.

All things to the contrary notwithstanding.

From the offices of the Sacred Congregation for Divine Worship, (he 7th day of December, 1972.

AAS 65-275; S. C. Cult. Div., decree, 7 Dec., 1972; the original of this document carried Prot. N. I 501/72—reported in *Notitiae,* 9 (1973),51.

Anointing of the Sick: Experimental communitarian rite allowed by S. C. Cult. Div., 10 June, 1969, Prot. N. 109/69, to bishop of Tarbes and Lourdes for use at Lourdes shrine for two years; schema of biblical readings, rite itself, and report by the bishop on the celebration; given in *Notitiae, 6* (1970),13-33.

Form of the sacrament; sense organs to be anointed. *See* c. 937; Paul VI, ap. const., 30 Nov., 1972.

1 Const. *on Sac. I it.,* n. 75; /1/LS', 56 (1964),! 19; *(..'anon Imw Digest.* 6, p. 53.

2Cf. *ibid.,* n. 74; *loc. cit.*

3Reported above in this volume under canon 937.

CANON 948

Ministerial Priesthood: Synod of Bishops' document on. *See c.* 329; S' C. Pub. Eccl. Neg., 30 Nov., 1971.

Priest: Paul VI, allocution to Lenten preachers on role of today's priest, 17 Feb., 1969 (AAS 61-187); Eng. vers, in *The Pope Speaks,* 14 (1969-70), 23-29.

Priestly Ministry: Purpose of priesthood and priestly education; S. C. Inst, Cath., *Ratio Fundamentalis, 6* Jan., 1970, Introduction, sect. 3-4. *See* c. 1365; for references.

CANON 949

Acolyte: No longer a Minor Order but a ministry; requirements for and functions of. *See c.* 973; Paul VI, *motu proprio, Ministeria quaedam,* 15 Aug., 1972, nn. II-IV, VI. VIII.

Lector: No longer a Minor Order but a ministry; requirements for and functions of. *See* c. 973; Paul VI, *motu proprio. Ministeria quaedam,* 15 Aug., 1972, nn. II-V, VIII.

Minor and Major Orders: Minor Orders as such and the Major Order of Subdiaconate suppressed in the Latin Church. *See* c. 973; Paul VI, *motu proprio, Ministeria quaedam,* 15 Aug., 1972, nn. II and IV.

CANON 951

Minister of Ordination: Includes major superior in clerical institutes of perfection in case of conferral of ministries of lector and acolyte. *See* c. 973; Paul VI, *motu propno, Ministeria quaedam,* 15 Aug., 1972, η. IX.

CANON 956

Proper Ordinary: Relative to conferral of ministries of lector and acolyte. *See c. 973;* Paul VI, *motu proprio, Ministeria quaedam,* 15 Aug., 1972, η. IX.

CANON 959

Conferral of Orders: Major superior in clerical institutes of perfection can confer ministries of lector and acolyte. *See* c. 973; Paul VI, *motu proprio, Ministeria quaedam.* 15 Aug., 1972, η. IX.

CANON 964

Conferral of Orders: Major superior in clerical institutes of perfection can confer ministries of lector and acolyte. *See* c. 973; Paul VI, *motu pro0rto Ministeria quaedam,* 15 Aug., 1972, η. IX.

CANON 973

Temporary Deacon: Assistance at Marriage (S. C. Sacr., 30 Aug., 1968; U. S. Apost. Del., 25 Sept., 1968) Private.

The following letter was sent to the president of the (U.S.) National Catholic Conference of Bishops.

Because it is a matter which probably will be of general interest to the hierarchy, I wish to inform you of a decision given by the Sacred Congregation of the Sacraments on 30 August, 1968 (N. 1660/68) about the assistance of a deacon at a marriage with delegation from the bishop or pastor.

The Holy Sec states that, after publication of the *motu proprio, Sacrum Diaconatus Ordinem,*[1] of 18 June, 1967, deacons "permanenter constituti" can assist at marriages under the conditions specified in η. V of this document.

These norms cannot be applied to deacons who are preparing for the priesthood.

Previous to the *motu proprio, Sacrum Diaconatus Ordinem,* no deacon could validly assist at a marriage.

(Private); S. C. Sacr., Reply, 30 Aug., 1968, Prot. N. 1660/68, quoted in letter from U. S. Apost. Del., 25 Sept., 1968, Prot. N. 2273/68.

NOTE: In connection with this reply, see documents under c. 222 regarding interpretation of *Lumen Gentium,* n. 29.

Permanent Diaconate in Religious Institute (S. C. Gent. Evang., 5 July, 1969) Private.

The following document was addressed to the Superior General of the Society of African Missions (S.M.A.).

You have clearly wished at this time to present here a request hoping to obtain that, in conformity with the apostolic letter, *Sacrum Diaconatus Ordinem,*[1] the S. C. for the Evangelization of Nations approve the unanimous vote of the general chapter of your Society "to establish the permanent diaconate in the said Society."

[1] Reported in *Canon Law Digest,* 6, pp. 577-584.

[1] Reported in *Canon Law Digest,* 6, pp. 577-584.

In this regard I am happy to inform you that this S. C. for the Propagation of the Faith, after having very attentively considered the desire expressed by the general chapter of your institute, has judged the reasons alleged to be good and, in consideration also of the decree, *Ad Gentes Divinitus,* η. 16, by the present letter gladly gives the authorization requested but "with observance of the requirements of law."

In communicating this decision to you. I draw your attention to the two following points:

1) It is proper that the diaconate be conferred only on those who have already made their definitive commitment in the Society.

2) For the young deacons who have already entered the Society as members, the period of special formation for the diaconate maybe shortened by taking into account the formation already received in the novitiate and in the years of probation or in the first years of religious life.

For those who enter the Society with the intention, from the outset, of becoming deacons, the period of overall formation cannot be less than three years (cf. *Sacrum Diaconatus Ordinem,* art. 9).

For those members who are already advanced in age, being over 35 years old, their specific formation for the diaconate will be programmed in conformity with the directives of the apostolic letter, *Sacrum Diaconatus Ordinem,* (arts. 14 and 15) and in accord with the needs and potentialities of each one.

Please accept, Very Reverend Father, the expression of my consideration of esteem and the assurance *of my* sincere sentiments accompanied by best wishes for the future deacons, and with the hope that they will be fine instruments for the work of evangelization.

(Private); S. C. Gent. Evang., Letter, 5 July, 1969, Prot. N. 4201/69; reported in *Coni. pro. Relig.,* 51 (1970), 269-270.

Revision of Discipline Regarding First Tonsure, Minor Orders and Subdiaconate (Paul VI, 15 Aug., 1972) AAS 64-529.

Pope Paul VI issued the following *motu proprio, Ministeria quaedam,* whereby "the discipline regarding first tonsure, the minor Orders and the subdiaconate in the Latin Church is revised."

Certain ministries for duly giving worship to God and for rendering service according to the needs of the People of God were instituted

by the Church right from very ancient times. By them functions of sacred liturgy and charity, accommodated to the various circumstances of situations, were entrusted for exercise to the faithful. The conferral of these assignments was often done by a special rite whereby the member of the faithful, after having besought the blessing of God, was established in a special class or rank for the discharge of some ecclesiastical functions.

Some of these functions which were quite closely connected with liturgical action little by little came to be considered as preparatory steps for the reception of sacred Orders so that the Orders of porter, lector, exorcist and acolyte in the Latin Church were called minor Orders in relation to the subdiaconate, diaconate and priesthood which were called major Orders, and, although not true everywhere, were generally reserved for those who were rising through them to the priesthood.

Notwithstanding all this, since the minor Orders have not always been the same and many of the functions connected with them have, in fact, been discharged by lay persons, just as at present is also true, it seems opportune to review this practice and to accommodate it to present-day needs in such wise that what is obsolete in those ministries may be put aside; what is useful, retained; what is necessary, established; and, likewise, what must be required of candidates for sacred Orders, stipulated.

While preparations for the Second Vatican Ecumenical Council were in progress, not a few of the Church's pastors proffered requests that the minor Orders and the subdiaconate be revised. However, although the Council decided nothing for the Latin Church in this regard, it did enunciate certain principles which opened the way to unraveling the question and there is no doubt but that the norms passed by the Council which looked to the general and orderly renewal of the liturgy 1 also comprised those matters which concern the ministries in the worshipping assembly' with the result that from the very arrangement of the celebration the Church would be seen as she is constituted in her diverse Orders and ministries 2 Wherefore Vatican Council II set down that *in liturgical celebrations each person, minister or simple faithful, who has a function to perform,*

*Cf. *Const, on Sac. Lit.,* n. 62 (MS, 56 11964], 117); cf. also n. 21 *(Op. cit..* pp. 105-106); complete document reported in *Canon Law Digest,* 6, pp. 32-67.

2Cf. *Ordo Missae, Gen. Instr, on Rom. Missal,* n. 58, typical cd. of 1969. p. 29.

should do everything that pertains to him by the nature of the case and according to liturgical laws, and nothing else.3

With this statement is clearly connected what was written shortly before in the same constitution: *Mother Church earnestly desires that all the faithful be brought to that full, conscious, and active participation in liturgical celebrations, which is demanded by the very nature of the liturgy and to which the Christian people, "a chosen generation, a kingly priesthood, a holy nation, a purchased people" (1 Pet.* 2:9; cf. 2:4-5) *are entitled as of right and in duty bound in virtue of their baptism. This full and active participation of the whole people must receive the most careful attention in restoring and promoting the sacred liturgy: it is the primary and necessary source from which the faithful must imbibe a truly Christian spirit, and hence pastors of souls in all their pastoral activity must strive for it zealously through proper instruction 4*

In the preservation of special functions and for their accommodation to present-day needs arc contained those areas which are particularly and quite closely connected with the ministries of the Word and of the Altar and, in the Latin Church, are called the offices of lector, acolyte and subdeacon. It is advisable so to preserve and accommodate these orders that henceforth a twofold assignment may be had, namely, that of *lector* and that of *acolyte* which include also the functions of the subdiaconate.

In addition to the offices common to the Latin Church, nothing prevents episcopal conferences from petitioning the Apostolic See for other whose institution in their region, for special reasons, they judge to be necessary or very useful. To those, for example, belong the offices of *porter, exorcist* and *catechist,5* as well as other offices to be conferred on those who arc assigned to works of charity where this ministry has not been conferred on deacons.

It is in keeping with the truth of the situation and the present-day frame of mind that the above-mentioned ministries should no longer be called minor Orders. Moreover, their conferral should not be called "ordination" but "installation." Further, only those who have received the diaconatc should properly be and be considered clerics. In this plan the distinction between clerics and lay persons will better appear, between those areas which are proper to and reserved to clerics and those which can be turned over to Christian lay per-

3C*o«sr. *on Sac. Lil.,* n. 28.
4Ibid., n. 14.
5Deer on Mission. Act., nn. 15 and 17.

sons. In this way rhe mutual relationship will appear more clearly inasmuch as *the common priesthood of the faithful and the ministerial or hierarchical priesthood, although they differ in essence and not only in degree, are nonetheless interrelated Both the one and the other in their own special way participate in the one priesthood of Christ. "6*

Therefore, after having maturely weighed everything, sought the opinion of experts, and consulted with the episcopal conferences and attended to their views as well as after having taken counsel with Our venerable brothers who arc members of the Sacred Congregation to which the matter pertains, Wc, by Our apostolic authority, decree the following, derogating – if and to the extent necessary – from the prescriptions of the *Code of Canon Law* heretofore in force and by this letter We promulgate them.

I. First Tonsure is no longer conferred; entrance into the clerical state is conjoined with the diaconate.

II. 'I'he Orders which up to this time were called minor are hereafter to be called "ministries."

III. Ministries can be entrusted to Christian lay persons with the result that they are not to be considered as reserved to candidates for the sacrament of Orders.

IV. The ministries which are to be preserved in the whole Latin Church and accommodated to present-day needs are two, namely, those of *lector* and *acolyte.* 'I'he functions which were heretofore committed to the subdeacon, are entrusted to the lector and the acolyte; as a consequence, the major Order of the subdiaconate is no longer had in the Latin Church. Nonetheless, nothing prevents the acolyte from also being called a subdeacon in some places if the episcopal conference so decides.

V. The lector is installed in the function which is properl}· his, that of reading the Word of God in the liturgical assembly. Wherefore, he proclaims the readings from sacred scripture (but not the gospel) at Mass and at other sacred celebrations. If there is no psalmist, he recites the psalm between the readings. He announces the intentions of the prayer of the faithful when a deacon or cantor is not at hand; he moderates the singing and directs the participation of the faithful; he should instruct the faithful for the worthy reception of the sacraments. Insofar as it is necessary, he may also take care of the preparation of other members of the faithful who in

(>l)of>. *Const, on the Church,* n. 10.

virtue of a temporary deputation read the sacred scripture at liturgical activities. In order that he may discharge these tasks more suitably and perfectly, however, he should assiduously meditate upon the sacred scriptures.

Aware of the office he has undertaken, let the lector strive by every means and employ appropriate aids in order that day by day he may acquire for himself that warm and living love7 for and knowledge of sacred scripture whereby he may become a more perfect disciple of the Lord.

VI. The acolyte is installed in order that he may assist the deacon and minister to the priest. Therefore, it is his duty to take care of the service of the altar, to assist the deacon and the priest in liturgical celebrations and, especially, in the celebration of Mass. Furthermore, it is his duty, as an extraordinary minister, to distribute Holy Communion whenever the ministers mentioned in can. 845 C./.C. are not available or are hindered because of ill health, advanced age, or other pastoral ministry or whenever the number of faithful approaching the Holy Table is so great that the celebration of Mass would be excessively prolonged. In the same extraordinary circumstances he may be commissioned to expose the Blessed Sacrament publicly for the adoration of the faithful and to repose it later, but he should not bless the people. Insofar as it may be necessary', he may also take care to instruct other members of the faithful who in virtue of a temporary deputation assist the priest or deacon in liturgical celebrations by carrying the missal, cross, candles, etc. or by performing other functions of this kind. He will discharge these tasks more worthily if he receives the Holy Eucharist with daily more fervent piety, is nourished by it and acquires a deeper knowledge of It.

Since the acolyte is destined in a special way for the service of the altar, he should learn all things which pertain to public divine worship and should study to perceive their inmost spiritual meaning so that he may daily be able to offer himself totally to God and be an example to all by his gravity and reverence in the sacred temple, as well as pursue with a sincere love the mystical body of Christ, that is, the People of God, but especially the weak and the infirm.

VII. The installment of lector and acolyte, in accord with the venerable tradition of the Church, is reserved for men.

VIII. In order that a person may be admitted to engagement in the ministries, the following are required:

a) the presentation of a petition, freely drawn up and signed by

Cf. *Const. on Sac. Lit.t* n. 24; *Const, on Div. Rev.,* n. 25.

the aspirant, to the Ordinary (the bishop and, in clerical institutes of perfection, the major superior) whose right it is to accept it;

b) befitting age and special qualifications which are to be determined by the episcopal conference;

c) the firm will faithfully to minister to God and to render service to the Christian people.

IX. The ministries are conferred by the Ordinary (the bishop and, in clerical institutes of perfection, the major superior) with the liturgical rites "The Installation of Lector" and "The Installation of Acolyte" which are to be revised by the Apostolic See.

X. The interstice established by the H. See or by the episcopal conferences should be observed between the conferral of the ministry of lector, and that of acolyte whenever not just one ministry is conferred on the same person.

XI. Candidates for the diaconate and for the priesthood must receive the ministries of lector and acolyte, if they have not already received them, and exercise them for an appropriate period of time so that they may be better disposed for future assignments to the Word and to the Altar. Dispensation from reception of the ministries in the case of the said candidates is reserved to the Holy See.

XII. Conferral of the ministries does not confer a right to support or compensation from the Church.

XIII. The rite of installation as lector and acolyte will be published very soon by the competent department of the Roman curia.

These norms will begin to have force as of the first day of the month of January in the year 1973.

All that We have decreed in this letter of Ours, issued on Our own initiative, We order to be firm and ratified, all things to the contrary notwithstanding.

Given at Rome, at St. Peter's, the 15th day of the month of August, the solemnity of the Assumption of the B. Virgin Mary, in the year 1972, the tenth of Our pontificate.

AAS 64-529; Paul VI, *motu proprio,* 15 Aug., 1972.

Diaconate Norms (Paul VI, 15 Aug., 1972) AAS 64-534.

TheMo/w *proprio, Ad pascendum,* in which "some norms concerning the sacred Order of the diaconate arc established," starts off by reviewing the rise and development of and the qualifications for the diaconate from apostolic and patristic times down through the

wishes expressed by Vatican Council II and implemented as regards the permanent diaconatc in the *motu proprio, Sacrum Diaconatus Ordinem,* with a revised rite of ordination promulgated by the apostolic constitution, *Pontificalis Romani recognitio.*

Following is the last paragraph of the introduction which is then immediately followed by the dispositive section containing the new norms.

Therefore, after having maturely weighed everything, sought the opinion of experts, and consulted with the episcopal conferences and attended to their views as well as after having taken counsel with Our venerable brothers who are members of the Sacred Congregation to which the matter pertains, We, by Our apostolic authority, decree the following, derogating – if and to the extent necessary – from the prescriptions of the *Code of Canon Law* heretofore in force and by this letter We promulgate them.

I. a) A rite of admission is introduced for candidates to the diaconate and the priesthood. In order that this admission may be duly had, it is required that the aspirant freely draw up in his own hand and sign a petition as well as that the competent ecclesiastical superior accept it in writing, by which act the election on the part of the Church is effected.

Professed members in clerical religious institutes who arc advancing to the priesthood are not obliged to undergo this rite.

b) The competent superior for this acceptance is the Ordinary (the bishop and, in clerical institutes of perfection, the major superior). Those can be accepted who give signs of a true vocation and, endowed with good morals and free from mental and physical defects, wish to dedicate their lives to the service of the Church, the glory' of God, and the good of souls. Those who aspire to the transitional diaconate must have completed at least their twentieth year of age and begun their course of theological studies.

c) By virtue of his acceptance, the candidate must take care of his vocation in a special way and cultivate it more deeply. He acquires the right to the necessary spiritual aids whereby he can cultivate his vocation and submit to the will of God with no conditions attached.

A/tS, 59 (1967), 697-704; *Canon Law Digest,* 6, pp. 577-584; Footnotes 1-25 are all found in this historical section of the *motu proprio*. Αη English version of this section can be found in *T.P.S.,* 17 (1972),234-237.

.4.4S, 60 (1968), 369-37 3; *Canon Law Digest,* this volume, under can. 1002.

II. Candidates for the diaconate, whether permanent or transitional, and for the priesthood must receive the ministries of lector and acolyte, if they have not already received them, and exercise them for an appropriate period of time so that they may be better disposed for future assignments to the Word and to the Altar.

Dispensation from reception of the ministries in the case of the said candidates is reserved to the Holy See.

III. The liturgical rites whereby admission takes place for candidates to the diaconate and to the priesthood and the above-mentioned ministries arc conferred must be performed by the aspirant's Ordinary (the bishop and, in clerical institutes of perfection, the major superior).

IV. The interstices established by the H. See or by the episcopal conferences should be observed between the conferral – to be had during the theology course – of the ministries of lector and acolyte as well as between conferral of acolyte and diaconate.

V. Before ordination the candidates for the diaconate should give to the Ordinary (the bishop and, in clerical institutes of perfection, the major superior) a declaration, drawn up by their own hand and signed, in which they testify that they are about to receive the sacred Order of their own accord and freely.

VI. The special consecration of celibacy, observed for the sake of the kingdom of heaven, and its obligation for candidates to the priesthood and for unmarried candidates for the diaconate are actually connected with the diaconate. The public assumption of sacred celibacy itself, even by religious, before God and the Church must be celebrated by a special rite which is to precede ordination to the diaconate. Celibacy assumed in this way is a diriment impediment to entering marriage.

In virtue of the traditional discipline of the Church, also married deacons who have lost their wives, are incapable of validly entering a new marriage.26

VII. *a)* Deacons who are called to the priesthood should not be ordained until they have completed the course of studies defined by the prescriptions of the Apostolic See.

b) As regards the course of theological studies which is to precede the ordination of permanent deacons, the episcopal conferences should issue appropriate norms in view of the local circumstances and submit them to the Sacred Congregation for Catholic Education for approval.

[26] Cf. Paul VI, *motu proprio, Sacrum Diaconatus Ordinem,* η. 16.

VIII. In accordance with the norm of nn. 29-30 of the *General Instruction on the Liturgy of the Hours:*

a) Deacons who are called to the priesthood are bound, in virtue of sacred ordination itself, by the obligation of celebrating the Liturgy of the Hours.

b) it is most appropriate that permanent deacons daily recite at least some part of the Liturgy of the Hours to be determined by the episcopal conferences.

IX. Entrance into the clerical state and incardination into a given diocese are had by very ordination to the diaconate.

X. The rite of admission for candidates to the diaconate and the priesthood as well as of the special consecration of sacred celibacy will be published very soon by the competent department of the Roman curia.

Transitional Norm—Candidates for the sacrament of Orders who have already received First Tonsure before the promulgation of this letter, retain all the duties, rights and privileges proper to clerics; those who have been promoted to the Order of subdiaconate are held by the obligations regarding both celibacy and the Liturgy of the Hours; however, they must again celebrate the public assumption of sacred celibacy before God and the Church by the new special rite which precedes ordination to the diaconate.

All that We have decreed by this letter, issued on Our own initiative, We order to be firm and ratified, all things to the contrary notwithstanding. Further, We stipulate that these provisions begin to have force as of the first day of the month of January in the year 1973.

Given at Rome, at St. Peter's, the 15th day of the month of August, the solemnity of the Assumption of the B. Virgin Mary, in the year 1972, the tenth of Our pontificate.

AAS 64-5 34; Paul VI, *motu proprio,* 15 Aug., 1972.

Diaconate: Interpretations of n. 22 of *Sacrum Diaconatus Ordinem. See* c. 222; *Lumen Gentium,* Com. Vat. Il Interp., 26 March, 1968 and 4 April, 1969; S. C. Pub. Eccl. Neg., 21 May, 1968.

Permanent:

Age: dispensation from defect of. *See* c. 329; Com. Vat. II Interp., 19 July. 1970.

Italy: Norms issued by Episcopal Conference of (C.E.I.), and approved by S. C. Sacr., 29 Dec., 1971 ; reported in Min. *Past.,* 47 (1972),452-459.

United States: Restoration: discussion of N.C.C.B. at April, 1968 meeting regarding, roles of N.C.C.B. and local Ordinary, qualifications of candi-

dates-rcportcd in *Jurist,* 29 (1969, 70-77; report of special committee at request of U. S. Bishops' Committee on Permanent Diaconate, 23 Feb., 1971-rcported in *Cath. Mind,* 69 (May 1971), 54-64.

CANON 976

Course of Studies: For ministries and for diaconate, both permanent and transitional, and for priesthood. *See* c. 973; Paul VI, 15 Aug., 1972: *motu proprio, Ministeria quaedam,* nn. V-VI, VIII; *motu proprio, Ad pascendum,* η. VII.

CANON 978

Interstices. *See* c. 973; Paul VI, 15 Aug., 1972: *motu proprio, Ministeria quaedam,* η. X; *motu proprio, Ad pascendum,* nn. Il, IV.

CANON 979

Ministries of Lector and Acolyte: No title of support or compensation had by installation. *See* c. 973; Paul VI, *motu propno. Ministeria quaedam,* 15 Aug., 1972, η. XII.

CANON 984

Faculty to Dispense Adulterine Offspring for Ordination (S. C. Gent. Evang., 30 Sept., 1967) Private.

The Ordinaries of Zambia (the archbishops of Lusaka and Kasana, the bishops of Livingstone, Abercorn, Monze, Ndola, Fort Jameson, Fort Rosebery, and the Prefect Apostolic of Solwezi) and of Malawi (the archbishop of Blantyre, the bishops of Lilongwe, Zomba, Mzuzu, Dedza and Chikwawa) united in episcopal conference, have signed and sent a petition in which they request the faculty to be able to admit to sacred Orders adulterine sons without need of recourse to the Holy See.

In this regard, I wish to inform Your Excellency that, in the audience of the 26th of this month, the Holy Father has granted the request *for five years.* The said Ordinaries are asked to report to the Propaganda at the end of five years about the use of the aforesaid faculty.

(Private); S. C. Gent, Evang., Rescript, 30 Sept., 1967, Prot. N. 4606-67. reported with annotations (Gorricho) in *Com. pro. Relig.,* 49 (1968), 265.

CANON 992

Intention: Document manifesting, by candidates for ministries and Orders. *See c.* 973; Paul VI, 15 Aug., 1972: *motu proprio, Ministeria quaedam,* η. VIII; *motu propto, Ad pascendum,* nn. I and V.

CANON 1002

New Rite of Ordination (Paul VI, 18 June, 1968) AAS 60-369.

Following is the apostolic constitution, *Pontificalis Romani recognitio,* approving a new rite for the ordination of deacons, priests and bishops.

The revision of the *Roman Pontifical* is prescribed by the Second Vatican Ecumenical Council not only in a general way but also is governed by special norms by which the same sacred synod ordered that the rites of ordination be changed *as regards both ceremonies and texts.*

Among the ordination rites, however, those must be first of all considered which, through the conferral of the sacrament of Orders in various degrees, constitute the sacred hierarchy: *Thus the divinely established ecclesiastical ministry is exercised on different levels by those who, even from antiquity, have been called bishops, priests and deacons.*[3]

In the revision of the rites of sacred ordination, in addition to the general principles which, according to the prescriptions of Vatican Council II must govern the whole work of restoration of the liturgy', the greatest attention must be given to its noteworthy teaching on the nature and effects of the sacrament of Orders as set forth by the said Council in its constitution on the Church. This teaching must, of course, be expressed by the liturgy itself in a manner proper to itself because *the texts and rites should be arranged so as to express more clearly what they signify, and so that the Christian people may as far as possible easily understand them and take part in them fully, actively and as a community.*[4]

Vatican II *Const, on the Sacred Liturgy,* n. 25; the complete documentis reported in *Canon Imw Digest,* 6, pp. 32-67.

"*Ibid.,* n. 76.

3 Vat. II: *Dog. Const, on the Church,* n. 28.

4Vat. II: *Const. Liturg.,* n. 21.

Again, the said holy synod teaches: *By episcopal consecration is conferred the fulness of the sacrament of Orders, that fulness which, in the Church's liturgical usage and in the language of the holy Fathers is truly called the high priesthood, tbe apex of the sacred ministry. But episcopal consecration, together with the office of sanctifying, also confers the offices of teaching and of governing. These, however, of their very nature, can be exercised only in hierarchical communion with the head and the members of the college. For from tradition, which is expressed especially in liturgical rites and in the practice of the Church both of tbe East and of the* h'esr, *it is clear that, by means of the imposition of hands and the words of consecration, the grace of the Holy Spirit is so conferred and the sacred character so impressed that bishops in an eminent and visible way undertake Christ's own role as teacher, shepherd and high priest, and that they act in His person.*[3]

To these words must be added several other noteworthy doctrinal sections on the apostolic succession of bishops as well as on their offices and duties. Even though these points are already contained in the rite of episcopal consecration, it seems, nevertheless, that they must be expressed in a better and more accurate manner. To achieve this purpose in the best way, it has seemed appropriate to take from the ancient sources the consecratory prayer which is found therein and is called the *Apostolic Tradition of Hippolytus of Rome,* which was written at the beginning of the third century. For the most part, this prayer is still retained in the ordination liturgy' of the Copts and the western Syrians. Thus it happens that in the very act of ordination witness is given to the harmony of eastern and western tradition as regards the apostolic office of bishops.

With reference to priests, on the other hand, particularly the following should be recalled from the acts of the Second Vatican Council: *Although priests do not possess the highest degree of tbe priesthood, and although they are dependent on the bishops in the exercise of their power, they are nevertheless united with tbe bishops in sacerdotal dignity. By the power of the sacrament of Orders and in the image of Christ the eternal high priest (cf. Heb., 5:1-10, 7-24; 9:11-28), they are consecrated to preach the gospel, shepherd the faithful, and celebrate divine worship as true priests of the New Testament.*[6] And in another place we read: *By sacred*

5Vat. Il; *Dog. Const, on tbe Church,* n. 21.
6Ibid., n. 28.

ordination and by tbe mission they receive from their bishops, priests are promoted to the service of Christ, tbe teacher, the priest and tbe king. They share in His ministry of unceasingly building up the Church on earth into the People of God, the Body of Christ, and the Temple of the Holy Spirit.[7] In the ordination of priests as it is found in the *Roman Pontifical* the mission and grace of the priestas an assistant to the episcopal Order was very clearly described. Notwithstanding this, it has seemed necessary to reduce to a greater unity the whole rite which was heretofore spread through several sections and to set the central section of the ordination rite, that is, the imposition of hands and the consecratory prayer, in a more vivid light.

Finally, as regards deacons, in addition to what is contained in the apostolic letter, *Sacrum Diaconatus Ordinem,*[8] a which We issued *motu proprio* on 18 June, 1967, these words must be specially recalled: *At a lower level of the hierarchy are deacons upon whom bands are imposed "not unto tbe priesthood, but unto ministry" (Constitutiones Ecclesiae Aegyptiacae, III, 2). For strengthened by sacramental grace, in communion with the bishop and his presbytery, they serve the People of God in the ministry of the liturgy, of the word, and of charity.*[8] In the ordination rite of deacons, however, only a few changes were to be made in view of the recently passed prescriptions regarding the diaconate as a distinct and premanent grade of the hierarchy in the Latin Church and of the greater simplicity and clarity of the rites.

Moreover, among the other documents of the Supreme Magisterium which pertain to sacred Orders, We believe that deserving of special mention is the apostolic constitution, *Sacramentum Ordinis,* issued by Our predecessor of happy memory, Pius XII, on 30 November, 1947. It declared: *that the matter, and the only matter, of the sacred Orders of the Diaconate, the Priesthood, and the Episcopacy is the imposition of hands; and that the form, and the only form, is tbe words which determine the application of this matter, which univocally signify the sacramental effects – namely tbe power of Order and the grace of the Holy Spirit – and which are accepted and used by the Church in that sense.*[9] After this introduction, the said document determines which imposition of hands and

7 Vat. II: *Deer, on Life and Ministry of Priests,* n. 1

8 Reported in *Canon Law Digest,* 6, pp. 577-584.
Vat. II: *Dog. Const, on the Church,* n. 29.

9 ΛΛ5 40 (1948), 6; reported in *Canon Law Digest,* 3, p 397

which words constitute the matter and form in the conferral of each Order.

Since, however, in the revision of the rite it has been necessary to add or to delete or to change certain things so that the texts could be restored to fidelity with the earlier texts or so that the expression might be more clearly put or so that the effects of the sacrament could be better set forth, We believe it is necessary to declare what in the revised rite must be said to pertain to the essentials — this to remove all controversy and to forestall conscience anxieties. Therefore, as regards the matter and form in the conferral of each Order, We, by Our supreme apostolic authority, decide and establish the following.

In the ordination of deacons the matter is the imposition of the bishop's hands which is performed in silence on each of the ordinands before the consecratory prayer. The form, however, consists of words from the said consecratory prayer which pertain to the nature of the Order and, as a result, are required in order that the act be valid: *Lord, we pray, send forth upon them the Holy Spirit so that by the grace of your seven gifts they may be strengthened by Him to carry out faithfully the work of the ministry.*

In the ordination of priests the matter is likewise the imposition of the bishop's hands which is performed in silence on each one of the ordinands before the consecratory prayer. The form, however, consists of words from the said consecratory prayer which pertain to the nature of the Order and, as a result, are required in order that the act be valid: *We ask you, all-powerful Father, give these servants of yours the dignity of the presbyterate. Renew the Spirit of holiness within them. By Your divine gift may they attain the second order in the hierarchy and exemplify right conduct in their lives.*

Finally, in the ordination of a bishop the matter is the imposition of hands which is performed in silence upon the head of the bishop-elect before the consecratory prayer by the consecrating bishops, or, at least, by the principal consecrator. The form, however, consists of words from the said consecratory prayer which pertain to the nature of the Order and, as a result, are required that the act be valid: *Now pour out upon this chosen one that power which flows from You. the perfect Spirit whom You gave to Your beloved Son, Jesus Christ, the Spirit Whom He gave to the apostles, who established the Church in every place as the sanctuary where Your name would always be praised and glorified.*

This rite, therefore, for the conferral of the sacred Orders of diaconate, priesthood and episcopacy which has been revised by the

Commission for the Implementation of the Constitution on the Sacred Liturgy *with the help of experts and after consultation with bishops front various parts of the world,10 We,* by Our apostolic authority, approve so that hereafter it may be used in the conferral of these Orders in place of the rite which to the present is found in the *Roman Pontifical.*

These decrees and prescriptions of Ours We wish to be and to remain firm and effective both now and in the future, notwithstanding, so far as is necessary, apostolic constitutions and ordinances issued by Our predecessors and other prescriptions, even those worthy of special mention and derogation.

Given at Rome, at St. Peter's, on the 18th day of the month of June in the year 1968, the fifth of Our pontificate.

AAS 60-369; Paul VI, Apostolic Constituion, 18 June, 1968. Annotations in *Amer. Eccl. Rev.,* 159 (1968), 410-416; 161 (1969), 266-270 (McManus); *Epbem. Liturg.,* 83 (1969), 10-66 which are followed (pp. 67-87) by an article (Brandolini) on the historical evolution of ordination rites, and another article (Pistoia) on the theology of the new rites (pp. 88-98).

New Ordination Rite Promulgated (S. C. Rit., 15 Aug., 1968) Private.

By the apostolic constitution, *Pontificalis Romani recognitio,'* issued on 18 June, 1968, the Supreme Pontiff, Paul VI, approved a new rite for the conferral of the sacred Orders of diaconate, priesthood and episcopate. The new rite was drawn up by the Commission for the Implementation of the Constitution on the Sacred Liturgy with the assistance of experts and after having consulted bishops in various regions of the world. The Pontiff declared that it is to be used hereafter in place of the rite presently found in the *Roman Pontifical* for the conferral of Orders.

I herefore, the section of the *Roman Pontifical* which contains these new rites for the conferral of the sacred Orders of diaconate, priesthood and episcopate, is published and declared to be the typical edition by the present decree of this Sacred Congregation of Rites, in virtue ot faculties given it by the Supreme Pontiff, Pope

Cf* Vat. II: *Const. Liturg.,* n. 25; *Canon Law Digest,* 6, p. 41.

' Reported above under this same canon.

Moreover, it is stipulated that, until the sixth day of April of next year, 1969, that is, until Easter Sunday, these new rites or those now found in the *Roman Pontifical* may be used at will; however, from that date only these new rites may be used.

All things to the contrary notwithstanding.

Rome, the 15th day of August, 1968, the feast of the Assumption of the Blessed Virgin Mary.

(Private); S. C. Rit., Decree, 15 Aug., 1968; reported in *Ephem. Liturg.,* 83 (1969), 4.

Rites: Installation as Lector and Acolyte, Admission to Major Orders, Assumption of Sacred Celibacy (S. C. Cult. Div., 3 Dec., 1972) AAS 65-274.

Following is the decree by the S. C. for Divine Worship whereby "The Rites of Installation of Lectors and Acolytes, Admission of Candidates to the Diaconate and the Priesthood, as well as of Assumption of Sacred Celibacy are published."

The system of ministries was revised by the Supreme Pontiff, Paul VI, by his apostolic letter, *Ministeria quaedam* issued *motu proprio,* on 15 August, 1972, and the norms pertaining to the sacred Order of Diaconate, both transitional and permanent, were set down on the same date in the apostolic letter, *Ad pascendum)* The Sacred Congregation for Divine Worship has drawn up rites for the installation of lectors and acolytes, for the admission of candidates to the diaconate and priesthood, as well as for the assumption of sacred celibacy.

These rites the Supreme Pontiff, Paul VI, by his authority, has approved and ordered that they be published so that they may be used in the Latin language as of 1 January, 1973. Vernacular versions, however, are to be used as of the date which the episcopal conferences shall have established for their jurisdiction after the translations into the vernacular languages have been approved and shall have obtained confirmation from the /Apostolic See.

All things to the contrary notwithstanding.

From the offices of the Sacred Congregation for Divine Worship, the 3rd day of December, 1972, the memorial of St. Francis Xavier.

AAS 65-274; S. C. Cult., Div., decree, 3 Dec., 1972; original form of this decree carried Prot. N. 1500/72, reported in *Notitiae.* 9 (1973),17 with annotations (G. P.) on pp. 18-33.

[1] Both documents reported above in this volume under canon 973.

Oil of Catechumens: Blessing of, revised rite. *See* c. 734; S C Cult Div 3 Dec., 1970.

Rite. Admission to diaconate and priesthood as well as of consecration to sacred celibacy. *See c.* 973; Paul VI, *motu proprio, Ad pascendum,* 15 Aug., 1972, η. X. Conferral of ministries of lector and acolyte. *See* c. 973; Paul VI, *motu proprio, Ministeria quaedam,* 15 Aug., 1972, nn. IX and XIII.

CANON 1012

Married Life: Paul VI, allocution to the Teams of Our Lady (Equipes Notre Dame) on Christian witness in, 4 May, 1970, (AAS 62-428). Eng. version in *T.P.S.,* 15 (1970), 119-128.

CANON 1013

Nature of Marriage (Sig. Apost., 30 Dec., 1971) Private.

Background. In a letter of 30 December, 1971, addressed to Cardinal Alfrink, the Supreme Tribunal of the Apostolic Signatura has opposed estoppel to the introduction of the notion of moral impotence in marriage cases. The ecclesiastical tribunals of Holland were, in fact, considering as also null a marriage which had not turned out "a veritable community of love." Following a meeting between Cardinal Alfrink, Bishop Zwartkruis of Haarlem and Bishop Moeller of Groninguc, a note was sent to Cardinal Staffa, prefect of the Apostolic Signatura, but the latter's position remained unchanged (January, 1971). Last summer, a second meeting took place between the bishops and the presidents of the ecclesiastical tribunals of Holland, at the end of which a new memorandum was sent to the Apostolic Signatura. The response to this note is the document published below.

Letter. To Cardinal J. Bernard Alfrink, President of the Episcopal Conference of Holland.

Your Eminence,

Several appeals, about which I have already spoken to Your Eminence openly and in full confidence, have been submitted to this Supreme Tribunal of the Apostolic Signatura to which has been confided the charge of assisting the bishops in the good administration of justice. By this present letter I would like to inform you of certain points which must be corrected and amended immediately in the administration of justice in the ecclesiastical province of Holland.

What is in question is not only the observance of law relative to procedure but the very doctrine touching the nature of marriage between baptized persons. Here are some of the less-approved *(minus probatae)* opinions which have found place in the sentences against which exception is specifically taken:

1. The indissoluble unity of marriage sanctioned by Christ is called "the ideal," "the better thing," but must not in any way be considered as a norm or a law for Christian spouses.

2. Matrimonial consent is envisaged as not in a static way but dynamic: by it the spouses gradually bring their mutual love to its accomplishment. Such a concept is based on the doctrine of Vatican II which designates marriage not as a pact or an alliance but as a communion of life and love.

3. It is necessary to establish a distinction between the will to marry and the affection by which a man and a woman apprehend their marriage as real: the spouses acquire knowledge of the value of their marriage in the measure in which, from what follows, their union will represent a success or a failure.

4. Out of this fact, it comes back that it is the spouses above all who are to judge the value of their marriage; it is they who are able to establish by their own judgment whether the marriage has been valid, because it has been happy, or entirely null or dissolved because it has resulted in failure.

5. The judgment of the spouses can, all things having been considered well, be sanctioned or challenged by the ecclesiastical judges who arc the guardians of the "ecclesial order."

6. Basing themselves on these opinions or others like them, the ecclesiastical judges of this province have introduced numerous points into the matrimonial procedure: *a)* the spouses are heard with the intent of making a psychological examination of the evolution of their marriage and of their sincerity; *b)* there has been a request for specialists in psychology to examine the capacity of the husband and wife to maintain an interpersonal relationship, permitting them to arrive progressively at a happy union.

7. The spouses who, in the opinion of the experts, are incapable of such a relationship, are declared unqualified to contract a valid marriage; the spouses who, by their fault or not, impede or break off the evolution of the interpersonal relationship are declared released from the marriage.

8. The spouses who were incapable of interpersonal relationship or who, without fault on their part, broke off the evolution of such a relationship, can celebrate a new marriage in the Church; but for

these persons a purely civil marriage is not prohibited because, it is affirmed, they can exercise their fundamental right to marry. In the first or the second case, if the persons are in good faith, they arc admitted to the sacraments as the necessary aids to salvation. On the contrary, the spouses who break off the evolution of the interpersonal relationship in a culpable manner, even if they are henceforth no longer bound by the marriage because of the fact that the bond of love has been found to be dissolved, are, nonetheless, still considered, as a form of penalty, as being always husband and wife and cannot contract a new marriage.

9. Such a manner of thinking and proceeding is likewise confirmed, it is said, by the new model of the Church proposed by Vatican II. According to that model, the Church is not a society of perfect persons but of sinners, pilgrims on the earth, who are also aspiring to the better and to the more perfect.

10. It is comprehensible that all this brings on a crisis in the marriage law of the Church which is accused of pure formalism since it attributes more importance to rhe institution than to the human person. This legislation, it is affirmed, is opposed to the pastoral criterion which considers the human situations and tries to furnish a remedy for them and which is based, by preference, on the personal judgment and solicitude of the pastors.

With this as a basis, it is important to note what follows apropos of the procedure and the sentences of the Dutch tribunals:

1. The manner of proceeding, such as it is applied today in the tribunals of this ecclesiastical province to facilitate the sentence, can be described as follows: hearing of the parties and, if necessary, of one or two witnesses; judgment on the good faith of the spouses – this judgment having been deduced from a conversation which can be prolonged; opinion on the success or the failure of the marriage; opinion of the experts on the psychological attitude of the spouses towards the interpersonal relationship; affirmation of the impossibility on the part of rhe spouses to love one another anew or to resume married life; recognition of the cause of such a failure, whether responsibility may be involved or not; opinion of the judge on the concurrence of the spouses admitting and recognizing the failure of their marriage with, as a consequence, the nullity of their marriage; final sentence of the judge who declares the freedom of state, even without the knowledge of one of the spouses; or final sentence by three judges who establish that the marriage was celebrated invalidly or that there is no need to prolong it further.

2. The supreme authority has been asked at the present time to approve, after the fact, this expeditious mode of procedure which pretends to be more psychological and which has been employed several times. Such a petition of its very self already indicates the illegitimacy of the above-mentioned praxis.

3. This praxis, even if introduced under the heading of experimental in virtue of the dispensation accorded to the bishops, cannot be admitted since it is granted that there is question of laws which are constitutive and relative to the processes which safeguard the rights of persons and from which, in virtue of the decree, *Christus Dominus,* η. 3, b, and of the *motu proprio, De Episcoporum muneribus,* η. IV,[1] not even the bishops can dispense.

4. The sentence rendered by the Rota on the Quebec case on 22 July, 1969, in the presence of Anne, cannot be invoked because there was question in the instance of a lack of discernment due to a serious psychic disturbance antecedent to the marriage.

5. In the sentences of the Dutch judges, the incapacity to contract marriage because of lack of interpersonal relationship and of psychological maturity is wrongly appealed to as moral impotence antecedent to the marriage and brought out by the marriage itself. Such lacks, in fact, would appear after the celebration of the marriage and cannot be held with moral certitude as incapacities anteceding the marriage; moral impotence is had when there is incapacity in the spouse to discern the object of marriage and to express matrimonial consent.

6. When the sentences already pronounced are passed in review, it is, moreover, noted that the experts contradict themselves by affirming the absolute incapacity of the parties for marriage and afterwards declaring that these same persons arc capable of contracting a new marriage.

Finally, on the subject of doctrine and procedure the following must be added:

1. The celebration of the marriage is not considered as the contract by which the marriage takes place but as a matrimonial debut which inaugurates the relationships between the spouses and becomes marriage progressively. Such an assertion subverts the foundations of marriage law.

2. Further, this erroneous doctrine never makes it possible to establish whether a marriage is valid or not. Incertitude which

[1] *Canon Law Digest,* 6, pp. 396-397.

touches the existence of marriage necessarily admits of a social incertitude.

3. Contrary to the praxis of the Church and to proven jurisprudence, the Dutch judges apply the concept of moral impotence, which is of capital importance in the nullity of marriage, either to fear, or to homosexuality, or to other conditions of the subject.

4. The judges who, basing themselves on their decisions alone, declare the marriage null or dissolved even after numerous years of cohabitation and marital relations, seriously injure the rights of the persons.

5. A like manner of action on the part of the judges countenances free unions, is injurious to the dignity and to the stability of marriage, and weakens the very value of the conjugal act whereby the spouses are united to one another in a reciprocal giving. The doctrine of marriage without bond subverts the good and the order of society.

6. It is clear that a particular or local church cannot act against the mode of action and the doctrine of the Church Universal by taking account only of the particular church where the one, holy, catholic and apostolic Church is present and active. Even if pluralism is admitted in so many areas, there remain essential points in which no particular church is permitted to separate itself from the Church Universal and from other particular churches.

7. The pastoral concern to which certain Dutch judges often refer, must be called superficial. It is completely devoid of theological foundation and is more interested in remedying human situations in one way or another than in conserving revealed faith.

8. For the rest, the judges themselves should recognize that their mode of judging is received with difficulty in other regions and that in their own country it is challenged by certain members of the faithful who have been scandalized to see with what boldness human rights, even fundamental rights, have been injured.

May it please Your Eminence to consider all this well in conscience and to inform the other Dutch bishops of it in order that the ecclesiastical tribunals of this country may be regularized. In the case where some judge should refuse to conform, he must be removed from the exercise of his charge by the competent authority, as is natural, and the task of administering justice must be conferred without delay on proven men.

I take occasion, Your Eminence, to express my sentiments to you most sincerely in the Lord.

From Rome, the 30th of December, 1971.

(Private); Sig. Apost., letter, 30 Dec., 1971, Prot. N. 238/70 V.T.; background and letter reported in *Doc. Cath.,* 69 (1972), 618-620, where it is also noted that an Italian version appeared in // *Regno* for 1 May, 1972.

CANON 1026

Mixed Marriage: Banns for, by local legislation. *See* c. 1061; C. C. C., 5-6 June, 1970, sect. VI.

CANON 1059

.Adoption: Prohibitive impediment to marriage in *civil* law: for listing of countries of the world and for extent of impediment, *see Jurist,* 30 (1970), 473-480 (Wojnar); for listing of countries where adoption is *not* an impediment to marriage, *see op. cit.,* pp. 480-490.

Guardianship: Prohibitive impediment to marriage in *civil* law: for listing of countries of the world and for scope of impediment, *see Jurist,* 30 (1970), 494-497 (Wojnar).

CANON 1061

Mixed Marriages: Norms (Paul VI, 31 March, 1970) AAS 62-257.

Following is the *motti proprio, Matrimonia mixta,* whereby norms are established regarding mixed marriages.

Mixed marriages, that is, marriages entered into by a Catholic party with a non-Catholic party, whether baptized or not baptized, the Church, in keeping with her responsibility, has always followed with great concern. Today she is pressed to show this concern more urgently because of the special conditions of these times. In times past Catholics were separated from the followers of other Christian confessions and from non-Christians by location as well as by boundaries. However, in more recent times, this kind of separation has not only been greatly reduced but communication between persons of different regions and religions has greatly increased. As a result, mixed marriages have multiplied considerably. Contributing to this situation have been the growth and spread of human and civic culture and industrial quests, the density of city dwelling with loss to rural population, migrations and all kinds of increase in the number of exiles.

The Church does indeed know that mixed marriages, precisely because they follow upon differences of religion and upon division among Christians, do not, except in some cases, advance the restoration of unity among all Christians. There are very many difficulties inherent to a mixed marriage as such since a kind of division is introduced into a living cell of the Church as the Christian family is deservedly called. Moreover, the carrying out of the evangelical precepts is rendered more arduous in such a family because of the differences in religious matters, especially as they effect participation in the Church's worship and the education of the children.

For these reasons, the Church, conscious of her responsibility, discourages the contracting of mixed marriages because she greatly wishes that Catholics be able to attain perfect harmony of soul and full communion of life in marriage. However, since a person has the right from nature to enter into marriage and to beget children, the Church, by her laws which clearly manifest her pastoral concern, takes care so to dispose matters that, on the one hand, the prescriptions of divine law are religiously observed, and that, on the other hand, the above-mentioned right to contract marriage is safeguarded.

To be sure, the Church vigilantly looks to the education of youth and their fitness to undertake their duties with a sense of responsibility and to discharge their obligations within the Church. She looks to the preparation for marriage on the part of those who intend to enter into a mixed marriage and also to exercising concern for those who have already contracted a mixed marriage. Although among persons who are baptized but of different professions of faith, there is less reason to fear that they may become indifferent in matters religious, nevertheless it can be more easily avoided if both parties, albeit united in a mixed marriage, have explored the Christian nature of marital partnership and if they are appropriately helped by those ecclesiastical authorities who are concerned. Even those difficulties which may perchance arise between a Catholic party and a non-baptized person can be overcome by pastoral vigilance and skill.

Neither in doctrine nor in her laws does the Church hold the same estimate of a marriage entered into by a Catholic party with a baptized non-Catholic party and a marriage which a Catholic party contracts with a non-baptized party because, as Vatican Council II has declared, those persons who, albeit not Catholics, *believe in Christ and have duly received baptism are put into a kind of coni-*

*munion, even though not perfect, with the Catholic Church.*l On the other hand, Oriental Christians who have been bathed in the sacred font outside the Catholic Church, even though they are separated from our communion, possess true sacraments within their Churches, especially the priesthood and the Eucharist, whereby they are joined to us by the closest ties. Without doubt, there is in a marriage between baptized persons, which is a real sacrament, a certain communion of spiritual goods which is lacking in a marriage entered into by parties, one of whom is baptized while the other is unbaptized.

This notwithstanding, we must not pass over the difficulties which are inherent in mixed marriages between baptized persons. Often there are differences of opinion on the sacramental nature of marriage, the proper significance of a marriage celebrated in the Church, the interpretation of certain moral principles pertaining to marriage and the family, the extent to which obedience to the Catholic Church is due, the competence which belongs to ecclesiastical authority. From these viewpoints it is clear that only in a restored unity of Christians can difficult questions of this kind be fully resolved.

Consequently, the faithful are to be taught that the Church, even if she partially relaxes the bond of ecclesiastical discipline in particular cases, can never, however, remove the obligation of the Catholic party which, in accord with the varying circumstances of cases, is imposed by divine law, that is, by the very plan of salvation instituted by Christ.

Wherefore, the faithful should be reminded of the duty that the Catholic party has to preserve his faith and, as a result, that it is never permissible for him to expose himself to proximate danger of losing that faith.

Furthermore, the Catholic party in a mixed marriage is obliged not only to stand firm in the faith but also, in as far as possible, to take care that children be baptized and educated in that same faith and receive all the helps to eternal salvation which the Catholic Church supplies to her children.

With reference to the education of children, however, since both spouses are obligated to this duty and since they have no right to

lDccr. on Ecumenism, n. 3 -complete decree reported in *Canon Law Digest.* 6, op. 687-706; cf. *Dog. Const, on Church, AAS* 57 (1965), 19-20.

*Cf. Vat. Cone. II, *Deer, on Ecumenism,* nn. 13-18.

ignore it or any of the other obligations connected with it, the matter is not without difficulty. And yet the Church, by her laws and pastoral concern, strives to meet this as well as other problems.

If all this is kept in mind, certainly no one will be surprised if even the canonical discipline for mixed marriages cannot be uniform but must be accommodated to the various circumstances of cases as regard the juridical form for contracting marriage, or its liturgical celebration, or, finally, the pastoral care to be afforded the spouses and the children born of the marriage in accord with the varying conditions of the spouses or their differing degrees of communion with the Church.

It was altogether fitting that the concern of the Second Vatican Ecumenical Council should be turned to a question of such serious importance. As occasion provided, it did this several times. As a matter of fact, the Fathers of the Council, in its third session, voted to turn the whole question over to Us.

In order to comply with the vote, the S. Congregation for the Doctrine of the Faith on the 18th of March, 1966 promulgated an instruction beginning with the words *Matrimonii sacramentum* on mixed marriages. It provided that, if experience backed up the norms therein set down, they would be incorporated in a precise and definite form into the code of canon law which is presently being revised.[4]

Again, when, in the first general session of the Synod of Bishops held in October 1967, certain questions relating to mixed marnages were raised and the Fathers had proffered many appropriate observations,[5] it seemed advisable to Us to hand them over for examination to a special commission of cardinals which, after great application, proposed its conclusions to Us.

Now, therefore, We first of all declare that Oriental Catholics who contract marriage with non-Catholics, whether baptized or not, are not subject to the norms which arc to be established by this letter. On the other hand, with regard to marriages of Catholics of any rite whatever with non-Catholic Oriental Christians, the Church has al-

3Cf. Λ/IS 58 (1966),235-239—reported in *Canon Law Digest,* 6, pp. 592-596.

4Cf. *ibtd., loc. ca.,* p. 237.

[5] Cf. *Argumenta de quibus disceptabitur in primo generali coetu Synodi Episcoporum,* Pars altera, Typis Polyglottis Vaticanis, 1967, pp. 27-37.

ready recently issued some norms[6] which We wish to continue in force.

Consequently, stirred by the idea that the ecclesiastical discipline relative to mixed marriages should be perfected and that, without prejudice to divine law, canon law should take into consideration the varying conditions of spouses as indicated by the mind of the Second Vatican Council, especially in its *Decree on Ecumenism*[7] and its *Declaration on Religious Freedom*[8], and also with consideration of the wishes expressed in the Synod of Bishops, We, by Our authority and after mature deliberation, set down and decree the following norms.

(1) Marriage between two baptized persons of whom one is Catholic, the other non-Catholic, since of its nature it is an obstacle to the full spiritual communion of the parties, may not be contracted without a previous dispensation by the local Ordinary.

(2) Marriage between two persons of whom one was baptized in the Catholic Church or converted to it, the other is unbaptized, if entered into without previous dispensation by the local Ordinary', is invalid.

(3) The Church, in view of the conditions and circumstances of the times, places and persons, does not refuse a dispensation from either impediment provided that a just reason is had.

(4) To obtain a dispensation from the impediment from the local Ordinary, the Catholic party must declare that he is prepared to remove the dangers of defecting from the faith. Moreover, he is obliged to make a sincere promise that he will do all he can in his power to have all offspring baptized and educated in the Catholic Church.

(5) With reference to those promises to be made by the Catholic party, the non-Catholic party should be informed in due time so that it may be clear that he is aware of the promise and obligation on the pan of the Catholic.

(6) Both parties should be instructed on the purposes and essential properties of marriage, none of which is to be ruled out by cither contractor.

6Cf. Vat. Cone. II, *Deer, on Orient. Catb. Churches,* n. 18 (AAS 57 11965|, 82); S. C. Eccl. Or., decree *Crescens matrinioniorum* (AAS 59 |1967], 165-166); both documents reported in *Canon laiw Digest, 6,* pp. 14 and 605-606 respectively.

AAS 57 (1965), 90-112; reported in *Canon Law Digest,* 6, pp. 687-706.

8AAS 58 (1966), 929-946.

(7) It belongs to the episcopal conference, within its own territorial competence, to set down the way in which these declarations and promises, which shall always be required, must be made, i.c., by word of mouth only, or also in writing, or before witnesses; also to define the method by which proof of them should be had in the external forum and how the non-Catholic party is to be informed of them·, likewise, to make known what other requirements may be opportune.

(8) Mixed marriages must be contracted in the canonical form which is required for the validity of the marriage but without prejudice to the prescription of the decree, *Crescens matrimoniorum,* issued by the S. Congregation for the Oriental Church on 22 February, 1967.9

(9) If serious difficulties stand in the way of observance of the canonical form, local Ordinaries have the right to dispense from the canonical form in the case of a mixed marriage. On the other hand, it belongs to the episcopal conference to establish norms whereby the aforesaid dispensation can be granted uniformly and licitly within its region or territory, provided, however, some public form of celebration is had.

(10) Care must be taken that all marriages which have been validly contracted are diligently recorded in the books prescribed by canon law. Pastors of souls should take care that non-Catholic ministers also take steps to write into their records notation of marriages involving a Catholic party.

Again, episcopal conferences should publish norms whereby in their own region or territory a uniform method is determined by which proof can be had that a marriage which has been publicly contracted after a dispensation from canonical form has been obtained, has been entered in the canonically prescribed books.

(11) As regards the liturgical form for celebrating mixed marriages, if it is to be taken from the *Roman Ritual,* use must be made of the rites for the ritual of celebrating marriage, which was promulgated by Our authority, whether the marriage is between a Catholic and a baptized non-Catholic party (nn. 39-54) or between a Catholic and an unbaptized party (nn. 55-56). However, if the case warrants it, in a marriage between a Catholic and a baptized non-Catholic party, the rite of celebrating a marriage within Mass (nn. 19-38) may

9Cf. /MS 59 (1967), 166.

be used with the consent of the local Ordinary but without prejudice to the prescription of general law regarding Eucharistic communion.

(12) Episcopal conferences should inform the Apostolic See concerning matters which they have decreed relative to mixed marriages within their competence.

(13)The celebration of a marriage in the presence of a Catholic priest or deacon and a non-Catholic minister in which each one simultaneously performs his ritual, is prohibited; nor is it permitted, either before or after the Catholic celebration, to have another religious celebration of the marriage to place or to renew matrimonial consent.

(14) Local Ordinaries and pastors should take care that the Catholic spouse and the children born of a mixed marriage do not lack spiritual assistance for the discharge of their conscience duties. They should exhort the said spouse always to be mindful of the divine gift of Catholic faith and to bear witness to it "with gentleness and fear, having a good conscience."10 They should help the couple to foster in their married and family life unity which, if there is question of Christians, is also based upon their baptism. As a result, it is desirable that the said pastors should institute relations with the ministers of other religious communities and fashion them with sincere honesty and wise confidence.

(15) All the penalties which are legislated in canon 2319 of the Code of Canon Law are abrogated. On the other hand, for those who have already contracted such penalties, the consequences of the said penalties cease, without prejudice, however, to the obligations which arc set down in n. 4 of these norms.

(16) The local Ordinary can grant a radical sanation of a mixed marriage provided that the conditions set down in nn. 4 and 5 of these norms have been fulfilled and the other requirements of law have been observed.

(17) In case of special difficulty or doubt regarding the application of these norms, recourse must be had to the Holy See.

We order that everything decreed by Us in this letter, which We have given on Our own initiative, be established and ratified, and go into full effect as of the 1st day of October of this year, all things to the contrary notwithstanding.

Given at Rome, at St. Peter's, the 31st day of March in the year 1970, the seventh of our pontificate.

10/ Pet. 3:16.

AAS 62-257; Paul VI, *motu proprio,* 31 Mar., 1970. Annotations in *African Eccles. Rev.,* 12 (1970), 341-345 (Timmermans); *Christ to the World,* 15 (1970), 399-400 (Declaration of Episcopal Conf, of Germany supporting Pope and condemning H. Kung's published article); *Clergy Monthly,* 34 (1970), 247-251 (Timmermans); *Communicationes, 2* (1970), 108-115 (Felici and Willebrands); *Diritto Eccles.,* 81 (1970), 350-387 (Picozza); *Eglise et Théologie,* 1 (1970), 229-260 (Hardon: theological analysis [in English)); *Ephetn. luris Can.,* 26 (1970), 346-351 (Filipiak); *Horn. & Past. Rev.,* 71 (1970-71), 335-347 (Hotchkin); *Monit., Eccles.,* 95 (1970), 171-187 (Tomko); *Nouvelle Rev. Theol.,* 92 (1970), 655-664 (de Bonhome);*Periodica,* 59 (1970), 423-469 (Navarrete); *Revista Espan, de Derecho Can.,* 26 (1970), 359-395 (Funk).

Mixed Marriages: Particular Norms for Canada (C. C. C., 5-6 June, 1970) Private.

The following "provisional norms" for implementing the *mom proprio, Matrimonia mixta,*[1] were drawn up at the board meeting of the Canadian Catholic Conference on 5-6 June, 1970, were approved by the Holy See, and were given the effective date of 1 August, 1970.

I. THE CANONICAL FORM

General principle: A CATHOLIC SHOULD NORMALLY CONTRACT MARRIAGE IN AND BEFORE THE CATHOLIC CHURCH (cf. note 1)

A—The Ordinary of the Catholic party, or the Ordinary of the place where the marriage is to be celebrated, may dispense from the canonical form.

In cases where the marriage is celebrated in a diocese other than that of the Catholic party, the "nihil obstat" of the Ordinary of the place where the marriage is to be celebrated, should be given.

B—In order for the dispensation to be granted legitimately, the reasons for doing so should concern *in an important way* the good of the parties, especially their spiritual well-being and the tranquillity and peace of their personal and family relationship (cf. note 2).

II. PROMISES TO BE MADE BY THE CATHOLIC PARTY

A—The promises to be made by the Catholic party will be made orally (not in written form), and the presence of a witness is not

[1] Reported above under this same canon.

necessary; the priest who prepared the couple for their marriage will certify to the Ordinary that these promises were sincerely made, and that he is morally certain that the Catholic party will be faithful to them. (Cf. Annex "B").

B-The celebration of a mixed marriage will not be authorized in those cases where

a. it is dearly evident that the Catholic party is not sincere in making the promises;

b. the Catholic party refuses to promise to do his or her best to safeguard the Catholic faith and to sec to the Catholic baptism and education of children to be born from the marriage.

III. PREPARATION OF THE NON-CATHOLIC PARTY

The priest who prepares the couple for marriage will inform the non-Catholic party of the promises made by the Catholic party and will certify to the Ordinary that this has been done. He will see to it that the couple accept the ends and essential properties of Christian matrimony. He can make use of the formula given in Annex "B" for this purpose.

IV. ANNOTATION OF THE MARRIAGE

A marriage celebrated with dispensation from the canonical form will be recorded at the place where the marriage was celebrated (v.g., church, court house, etc.). A marginal annotation will be made in the baptismal records of the place where the Catholic party was baptized (see Annex "A").

Record of the granting of the dispensation from the canonical form will be kept in the Chancery Office of the diocese granting the dispensation.

V. CELEBRATION OF THE MARRIAGE

A-The celebration of a mixed marriage in the Catholic Church should be presided by the Catholic priest. It is desirable that the non-Catholic minister be invited to take part in the ceremony in some way, according to norms to be drawn up in an Ecumenical Directory.

B-The celebration of a mixed marriage outside the Catholic Church—with dispensation from the canonical form—should be presided by the non-Catholic minister. It is desirable that the Catholic priest be invited to take part in the ceremony in some way.

C—Thus, the celebration of the marriage of a Catholic with a non-Catholic will be accompanied by various sacred rites; this will depend on whether the non-Catholic party belongs to a given Church, ecclesial community, or religion, and on the personal religious convictions of the parties.

The marriage could be celebrated during Mass, or within a Liturgy of the Word, or simply by fulfilling the rites of the ceremony itself, but always *according to certain principles,* such as those of *Matrimonia mixta* which allows the celebration of Mass only when the marriage is taking place between two Christians.

D—In each case, it is the priest who will decide, after having consulted the couple, and in accordance with the directives given in Annex "C".

VI. MARRIAGE BANNS

In order to ensure greater cooperation between the ministers of both Churches, it is recommended that the practice be introduced of publishing the marriage banns in both Churches (Catholic and non-Catholic); this applies to places where it is customary to have such publications.

VII. WITNESSES

Non-Catholics may be invited to act as witnesses to such a marriage or to assist the spouses in some other capacity.

NOTES

1. Reasons in favour of maintaining or using the canonical form for mixed marriages:

(a) greater facility in ensuring that appropriate instructions have been given for the preparation of the marriage;

(b) possibility of avoiding the celebration of premature and hasty marriages;

(c) greater order in parish records.

2. Among the many reasons for which the Holy See has granted dispensations from the canonical form since 1966, are the following:

(a) to keep the non-Catholic partner from breaking with his/her Church or religious body:

(b) to avoid the danger of having an invalid or illicit marriage celebrated outside the Church;

(c) promotion of better relations between the two families so that both may offer better support for the newly married couple;

(d) *active* participation of the non-Catholic party in the life of his or her Church; for example, if the party were a Sunday School Teacher, Warden, Trustee, etc.;

(e) local customs (v.g., in Canada the marriage is traditionally celebrated in the bride's parish).

The other canonical reasons previously recognized in law for the dispensation from the impediments of mixed religion and disparity of worship (canon 1061) also apply in certain cases.

Concerning the procedure to be followed for the celebration of a marriage with dispensation from the canonical form, see Annex "A".

3. Notation in the Marriage Register.

The following considerations seem to justify the proposed procedure:

(a) avoid unnecessary administrative work;

(b) the Catholic priest cannot attend to a marriage which took place elsewhere;

(c) the registration of all dispensations in the Chancery Office which grants the dispensation and assigns a protocol number to it;

(d) the plural used in the Latin text of the *Motu Propio* is to be interpreted according to the general rules of Canon Law and, in certain cases, applies only to baptismal registers.

Annex "A": PROCEDURE FOR THE CELEBRATION OF A MIXED MARRIAGE WITH A DISPENSATION FROM THE CANONICAL FORM

1.The pastor (or the curate) of the Catholic party makes the prenuptial inquiry and completes the dossier which remains in the archives of the parish.

2. Using Form "V", the pastor or curate of the Catholic party requests from the Ordinary the dispensations required for a mixed marriage (mixed religion or disparity of worship, as the case may be), dispensation from the form, the nihil obstat, and, if necessary, the dispensation from other impediments. He indicates on the reverse side of Form "V", along with the reasons for requesting the other dispensations, the reasons for which he requests a dispensation from the canonical form, and mentions before what Church or civil institution the marriage is to be celebrated.

3.The pastor receives the regular rescript from the Chancery Office together with two copies of a document authorizing the

celebratior» of the marriage outside the Catholic Church. The rescript is placed in the dossier, together with one copy of the authorization.

4. When advising the Catholic party that the dispensation has been granted, the pastor gives him or her one copy of the document authorizing the celebration of marriage before a minister other than a Catholic priest. The Catholic party is requested to forward a certificate of marriage as soon as possible after the ceremony.

5. When the marriage certificate is received, the pastor will advise the parish where the Catholic party was baptized.

The following text may be used:

X....., a Catholic baptized on.....in .....Church, married Y..... on..... 19.....in..... ..... (Church, temple, courthouse) after receiving a dispensation from the canonical form of marriage (Prot. No. .....)

Please make this annotation in your Baptismal Register and return this notice, certifying that the annotation has been made as requested.

Annex "B": DECLARATION CONCERNING THE PREPARATION OF THE PARTIES TO A MIXED MARRIAGE

(This form must be filled out by the priest who conducts the prenuptial inquiry. One copy is sufficient. It is to be sent to the Chancery Office with the petition for the nihil obstat, and will be returned to the parish to be included in the dossier).

Names of the parties:

The Catholic party.....
The non-Catholic party.....
Member of (Name Church).....

------*1. Promise of the Catholic party*

YES The Catholic party has been carefully instructed concerning his responsibility to live according to his faith, to give witness to his faith, to avoid anything that could weaken his faith, and to do his best to have the children who will be born of his marriage baptized and educated in the Catholic faith. The Catholic party has explicitly promised to be faithful to these responsibilities.

------2. *Preparation of tbe non-Catbolic party*

YES The non-Catholic party has been instructed on the doctrine of the Catholic Church with regard to Christian marriage and recognizes that the marriage he wishes to contract is to be one and indissoluble. The non-Catholic party is aware of the responsibility of the Catholic party with regard to religious practice and to the Catholic baptism and education of the children.

Describe briefly the non-Catholic party's attitude:

3. Preparation for marriage

YES Both parties have been adequately prepared for their forthcoming marriage.

4. Opinion of tbe priest

YES I am morally certain that the Catholic party will be faithful to these obligations.

Date

Signature of the priest

Annex "C": LITURGICAL CELEBR/XTION

General Principles

1. For all marriages celebrated in the Catholic Church, it is normal that the exchange of consent should be accompanied by sacred rites which help the spouses to turn their minds and hearts to God. to discover God's love in their mutual love and to give thanks to Him.

2. However, no matter how keen our desire to share with non-Catholics the Church's means of grace, participation in the same sacred actions must always be respectful of truth. To avoid any ambiguity unworthy of an action which is directed to God and unbecoming of the persons who perform that action, the words, the

acts, the chants and the reponses of the ceremony must be in accord with the religious beliefs of both spouses. This respect for truth and for the convictions of the persons involved in "communicatio in sacris" is a primordial principle of ecumenism.

Though it may be painful to the spouses that the divergence of their respective convictions appear at a time when they join together in marriage, they should be invited by the priest to acknowledge in humility this distressing reality and to accept the suffering that it brings instead of seeking to cover it up with false pretences.

3. No one should be surprised that the Catholic Church should consider itself closer to one Church than to another and that, as a consequence, it should invite certain Christians to participate more fully in its worship. This difference of attitude does not stem from a judgment on persons but rather from the fact of a greater unity in faith and sacramental life.

The marriage of a Catholic with a non-Catholic will therefore be differently accompanied by sacred rites depending on what Church, what community, what religion, the non-Catholic partner belongs to, as well as upon the personal religious dispositions of those who are contracting marriage. This marriage could be celebrated within the Holy Sacrifice or even in the framework of the Celebration of the Word, or simply using the rites for marriage alone.

This decision will be made for reasons in the religious or pastoral order and not for reasons foreign to faith or to the spiritual good of the persons such as, for example, the desire of underlining the celebration of a marriage celebration or of following social conveniences.

In some cases it will be necessary to recall that the sacred rites are not favours and consequently the decision to not accompany the marriage with a Mass is not because of an intention of penalizing those contracting a mixed marriage.

Catholic and Orthodox

Λ marriage of a Catholic to a Christian of an Oriental Church separated from the Roman Catholic Church may be celebrated within Mass·, in this particular circumstance, the Orthodox Christian may, if he has the required dispositions and *his own Church has no objections,* take part with the Catholic partner in the blessed Eucharist.

Catholic and Protestant

The differences in doctrine and the sacrament of life which exist between the Catholic Church and the Churches and church commu-

nicies in the West generally lead one to celebrate the marriage of a Catholic with a Christian Protestant outside the ceremonies of Mass. Since Christian fiancees have nevertheless in common their faith in the Word of God, their marriage naturally fits into the framework of a Celebration of the Word.

Nevertheless it may sometimes be desirable that the marriage of a Catholic with a Protestant Christian be celebrated within Mass. This would particularly be the case when the spouses have requested it for motives which flow from a living and educated faith. The non-Catholic spouse nevertheless is not permitted to receive communion at this Mass and the priest will take care to inform the non-Catholic partner of this disposition and if necessary during the preparatory meetings for the marriage indicate the reasons for such a law.

(Private); C. C. C., particular norms, 5-6 June, 1970; copy kindly sent us by the Canadian Canon Law Society.

Mixed Marriages: Particular Norms for India (C.B.C.I., 1970) Private.

The Catholic Bishops' Conference of India (C.B.C.I.), prior to 1 October, 1970 [no further specification of date], voted by more than two-thirds in the sense of the following propositions, thus making them binding on the entire country of India.

1. The *declaration* and *promises* to be made by the Catholic party shall be in writing (cf. Nos. 4 & 7 of the *Motu Proprio*[1]).

2. If, in individual cases, a local Ordinary decides that oral declarations and promises are sufficient, the Parish Priest of the Catholic party shall make a statement duly attested by two witnesses that this has been done.

3. As regards proof in the external forum of the declaration and promises made, provisions in paragraphs 1 and 2 above are deemed to be sufficient (cf. No. 7 of the *Motu Proprio*).

4. The declaration and promises of the Catholic party shall be brought to the knowledge of the non-Catholic party at the time of prenuptial instructions (cf. Nos. 7, 5 & 6 of the *Motu Proprio*).

Note: At a very early stage of these instructions, the implications of a mixed marriage and the aims and essential properties of Chris-

[1] Reported above under this same canon.

tian marriage should be made clear to the parties. It is in this context that the non-Catholic party should be informed of the promises made by the Catholic party.

5. Dispensation from the *canonical form* may be considered only for genuine and serious reasons of conscience of the non-Catholic party, judged to be so by the local Ordinary (cf. No. 9 of theAlon/ *Propio).*

Note: "Canonical Form" requires that the parties exchange their consent before the sacred minister (an authorized priest or deacon) and, normally, in the presence of two witnesses. Though this is generally done in a Church, it would be valid even if performed in a vestry or a hall, etc. Such an arrangement would be quite lawful in cases where circumstances require it.

6. The public form in the place of the canonical form when dispensation for the same is given, shall be decided by the local Ordinary until regional or provincial Councils adopt a uniform policy about the same (cf. No. 9 of *the Motu Proprio).*

Note: The presence of a sacred minister is always necessary for the validity of a marriage when one of the parties is an Oriental non-Catholic (Decree of the Sacred Congregation for Oriental Churches, 22 February, 1967, which went into effect from 25 March, 1967)/

7.Normally, the Parish Priest of the Catholic party through whom the dispensation was obtained shall through the same Catholic party obtain a *certificate of* marriage conducted according to the public form allowed in the diocese and ensure that it is *entered in the prescribed books,* namely, of Marriages and Baptisms (cf. No. 10 of the *Mota Proprio).*

8.And a copy of the same Certificate shall be sent to the diocesan Curia.

(Private); C.B.C.I., particular norms, 1970; reported in *Clergy Monthly,* 35 (1971), 161-162.

2 Reported in *Canon Law Digest, 6,* pp. 605-606.

Mixed Marriages: Particular Norms for South Africa (S.A.C.B.C., 1-4 Sept., 1970) Private.

Following arc the particular norms issued by the Southern /Xfrica Catholic Bishops' Conference (S.A.C.B.C.) for implementing the *motu proprio, Matrimonia Mixta,*[1] in southern Africa.

1. The Bishops of Southern Africa, meeting in Plenary Session from 1-4 September, 1970, have resolved as follows:

a. that pastors be reminded of their responsibilities to instruct the Catholic party to a mixed marriage of his moral duty to persevere in the faith, and do all he can to have the children baptised and brought up in it. It should be made clear that no promises are now required of the non-Catholic party.

b. that the declarations and promises of the Catholic party be given verbally·, that this fact be recorded on the marriage information sheet signed by the parties; that this annotation be considered legal proof that the declaration and promises have been made; that, in addition, the declaration and promises may be asked for in writing where an Ordinary decides that this should be done for pastoral purposes.

c. That the pastor is responsible for seeing that the non-Catholic party is informed of the Catholic party's declaration and promises, either by himself or by the Catholic party; and that an annotation to the effect that the information has been given be made on the marriage information form.

d. that the onus of informing the minister of another Church concerning a mixed marriage to be performed before a Catholic priest rests with the non-Catholic party.

c. that the general norms of dispensing from the canonical form be:

1. the need to secure the validity of a marriage.
2. the interest of good ecumenical relations.
3. the pastoral good of the whole marriage.

f. that a sound interpretation of article 13 of the Motu Proprio docs not rule out the performance of a single ritual shared by two ministers, but only the duplication of ritual whereby matrimonial consent would be asked for and received more than once, whether before or after or during the wedding ceremony itself.

[1] Reported above under this same canon.

g. that it is most desirable that the churches concerned should give official and reciprocal notice of mixed marriages celebrated. Meanwhile, in cases when a mixed marriage has been contracted with a dispensation from the canonical form, the Catholic party is to notify his pastor and the marriage is to be duly recorded in the ecclesiastical register.

2. The Conference resolved that a uniform marriage information form be drawn up for the whole delegation, with a mixed marriage section in which the following can be noted:

1. the declaration and promises of the Catholic party.
2. the notification to the other party.
3. a dispensation from the impediment of mixed marriage or disparity of cult.
4. a dispensation from the canonical form.

3. The Conference resolved that the Ecumenical and Liturgical Commissions, in consultation with other churches, investigate the possibility of drawing up a suitable marriage rite for use when a Catholic priest officiates in association with a minister of another church.

(All freedom is allowed in compiling a joint service).

Comment of Ecumenical Commission

If no powers to this effect have been delegated by the bishop, the permission for a mixed marriage in a non-Catholic Church needs to be obtained from the bishop *in each and every case.* The following are only examples of instances which could be submitted for approval by the bishop. They arc taken from commentaries on the *Motu Proprio* by canonical and theological experts published in recent articles in reviews:

—When the non-Catholic party has a conscientious objection to a Catholic celebration.

—When the majority of the family or attending relatives are non-Catholics.

—When the non-Catholic party requests that a close relative of the family officiate at the Church wedding—but under the condition that the principle of reciprocity is honoured.

—When the only Church in the vicinity is a non-Catholic Church.
—When the priest cannot conveniently attend the wedding service.
—When a Catholic marriage officer is not easily available.
—When a nominal Cathllic marries a devout non-Catholic.

-Where the custom exists that a non-Catholic bride be married in her own church.

(Private); S.A.C.B.C., particular norms, 1-4 Sept., 1970; reported in *African Eccles. Rev.,* 13 (1971),85-86.

Mixed marriages: Particular Norms for Ireland (Irish Episc. Conf., October, 1970) Private.

The following statement was issued by the Irish Episcopal Conference at its October, 1970 meeting at St. Patrick's College, Maynooth.

The problem of mixed marriages is one which will never be fully resolved until, in God's good time, that full unity of Christians, which Our Lord himself desired, is achieved.

The present Holy Father has shown himself most sensitive and understanding of the very real personal difficulties which can arise in this matter.

The new regulations, which he introduced on 1 October,[1] embody, in effect, the recommendation made by the Synod of Bishops in 1967. These regulations are thus the result of mature reflection of the Pope and the bishops of the entire Church. They represent episcopal collegiality in action. They are a sincere and responsible effort to ease the human problems which arise in mixed marriages.

There are, however, religious principles at stake which neither Pope nor bishops can change. This is why the regulations emphasize that the Catholic party at a mixed marriage must do all in his power to ensure the Catholic baptism and upbringing of all the children of the marriage. At the Synod of 1967 the bishops were emphatic that this was a principle of divine law.

A Catholic can never be dispensed from the duty of handing on to his children the faith that is in him. Nor can he be authorised to withhold from his children the full riches of Catholic devotional and sacramental life. The Church's position in this matter flows from the very nature of Catholic faith. It constitutes no reflection on the sincerely held beliefs of others.

'These regulations are reported above under this same canon; they were issued on 31 March, 1970, and went into effect, as above indicated, on 1 October, 1970.

The Church's regulations have also the effect of enabling the partners in good time beforehand to face up to the very' real problems involved. Experience shows that to ignore these problems before the marriage can lead to great agony of conscience later on. Lack of agreement about matters so deeply affecting family unity can constitute a danger of subsequent disharmony in married life.

Finally, it is our duty to emphasise that, unless the bishop's authorization has been obtained, the marriage of a Catholic other than in the presence of a priest and two witnesses is null and void.

We wish td appeal to all Christians and all men of good will to recognise that the Church's position on this delicate question is dictated by fidelity towards Catholic truth, charity towards the persons involved, and eager desire for the day when Our Lord's prayer will be fulfilled—"that they may be one." For only then can the difficult questions involved in mixed marriage be finally resolved.

(Private); Irish Episc. Conf., norms, Oct., 1970; reported in *Furrow,* 21 (1970), 732-733.

Mixed Marriages: Particular Norms for U.S.A. (N.C.C.B., 16 Nov., 1970) Private.

The following "statement of the National Conference of Catholic Bishops on the implementation of the apostolic letter on mixed marriages"[1] in the United States of America was issued on 16 November, 1970 and given the effective date of 1 January, 1971.

Introductory Principles

The Fathers of the Second Vatican Council requested the Holy See to provide for the application of conciliar teaching to marriages which unite Catholics and those of differing religious convictions. Following discussions of this matter by the Synod of Bishops in 1967, the Holy See, after collegial consultation with the episcopal conferences, prepared a response to that request. And on March 31, 1970 Pope Paul VI issued *motu proprio* the Apostolic Letter Determining Norms for Mixed Marriages. The provisions of this apostolic letter, effective October 1, 1970, open the way to an improved pastoral approach in support of couples united or to be united in such marriages.

[1] Reported above under this same canon.

The National Conference of Catholic Bishops welcomes the apostolic letter and encourages its ready application within our country. We call to mind the principles upon which it is based and the values it seeks to uphold. Our statement is to be understood only with a view to the complete text of the *motu proprio.*

First of all, the apostolic letter recognizes the natural right of man to marry and beget children, and to exercise this right, free from undue pressure (cf. *Pacem in Terris,* n. 15).

Within marriage the Church seeks always to uphold the strength and stability of marital union and the family which flows from it. For "the well-being of the individual person and of human and Christian society is intimately linked with the healthy condition of that community produced by marriage and family. Hence Christians and all men who hold this community in high esteem sincerely rejoice in the various ways by which men today find help in fostering this community of love and perfecting its life, and by which spouses and parents are assisted in their lofty calling." *{The Church in the Modern World,* n. 47).

As the apostolic letter observes, the "perfect union of mind and full communion of life" to which married couples aspire can be more readily achieved when both partners share the same Catholic belief and life. For this reason, the Church greatly desires that Catholics marry Catholics and generally discourages mixed marriages.

Yet, recognizing that mixed marriages do occur, the Church, upholding the principles of Divine Law, makes special arrangements for them. And recognizing that these marriages do at times encounter special difficulties, the Church wishes to sec that special help and support are extended to the couples concerned. This is the abiding responsibility of all. For "Christians should actively promote the values of marriage and family, both by example of their own lives and by cooperation with other men of good will. Thus when difficulties arise, Christians will provide, on behalf of family life, those necessities and helps which are suitably modern." *(Ibid.,* n. 52).

In a particular way, priests with a pastoral ministry to families and all persons engaged in the family life apostolate are to be commended for their attention to the specific needs of individual couples. Since these will vary, the apostolic letter stresses the importance of individualized support for diverse situations. It recognizes that ". . . . the canonical discipline on mixed marriages cannot be uniform and must be adapted . . . ' and "the pastoral care to be given to the married people and children of marriage" must

also be adapted "according to the distinct circumstances of the married couple and the differing degrees of their ecclesiastical communion." Consequently, pastors, in exercising their ministry in behalf of marriages that unite Catholics and others will do so with zealous concern and respect for the couples involved. They should have an active and positive regard for the holy state in which the couples are united.

In such marriages, the conscientious devotion of the Catholic to the Catholic Church is to be safeguarded, and the conscience of the other partner is to be respected. This is in keeping with the principle of religious liberty (cf. *Declaration on Religious Freedom,* Second Vatican Council, n. 3).

In all valid marriages the Church recognizes sacred and abiding values. For "the intimate partnership of married life and love has been established by the Creator and qualified by His laws. It is rooted in the conjugal covenant of irrevocable personal consent. Hence by that human act whereby spouses mutually bestow and accept each other, a relationship arises which by divine will and in the eyes of society too is a lasting one. For the good of the spouses and their offspring as well as of society, the existence of this sacred bond no longer depends on human decisions alone." *{The Church in the Modern World,* n. 48). So the sacred character of all valid marriages, including those which the Church does not consider as sacramental, is recognized. For those, too, manifest rhe hand of God, Who is the author of marriage, and should lead the couple to holiness of life. In preparing couples for mixed marriages, pastors should make clear to the partners the deep significance which the Church perceives in their intended union as "two in one flesh." (Air. 19:16).

In this regard, the broad areas of agreement which unite Christians and Jews in their appreciation of the religious character of marriage should be kept significantly in mind. *(cf. Joint Statement on Marriage and Family Life in the United States,* issued by the United States Catholic Conference, the National Council of the Churches of Christ, and the Synagogue Council of America, June 8, 1966).

In this context, it should be clearly noted that while Catholics are required to observe the Catholic form of marriage for validity, unless dispensed by their Bishop, the Catholic Church recognizes the reality ot marriages contracted validly among those who are not Christians and among those Christians separated from us.

In addition to the sacred character of all valid marriages still more

must be said of marriages between a Catholic and another baptized Christian. According to our Catholic tradition, we believe such marriages to be truly sacramental. The apostolic letter states that there exists between the persons united in them a special "communion of spiritual benefits." These spiritual bonds in which couples are united are grounded in the "true, though imperfect, communion" which exists between the Catholic Church and all who believe in Christ and arc properly baptized. *(Decree on Ecumenism,* n. 3). Along with us, such persons are honored by the title of Christians and are rightly regarded as brothers in the Lord. In marriages which unite Catholics and other baptized Christians, the couple should be encouraged to recognize in practical ways what they share together in the life of grace, in faith, and charity along with other interior gifts of the Holy Spirit, and that in service to the same Lord they await the salvation which He promised to those who would be His followers.

A number of the particular difficulties faced by Catholics and other Christians in mixed marriages result from the division among Christians. However successful these marriages may be, they do not erase the pain of that wider division. Yet this division need not weaken these marriages, and given proper understanding, they may lead to a deep spiritual unity between the spouses. Such couples should accept the painful aspects of Christian division insofar as these affect their lives together as a sharing in the suffering of the Church. Thus they should regard their personal efforts at understanding and patience as symbolic of and a participation in the broader efforts toward unity' among the separated churches. Their own love as it reaches out to relatives and friends should have a healing effect in establishing closer relationships between groups of Christians who have been estranged due to divisions among them. In this way, such marriages, while encompassing within one home the divisions among Christians, nevertheless, like all sacramental marriages, should be seen as compelling signs of the mystery of Christ's abiding love for His Church, a love which continually seeks to reconcile. Finally, such couples, should they achieve such a perspective in regard to their marriage, can do much to intensify the longing among Christians for the day when all shall be one.

In order to aid these couples to come to this deep understanding of their married life together, when possible, their Catholic and other Christian pastors should jointly do all that they can to prepare them *for* marriage and to support them and their families with all

the aids their ministry can provide. They can, for example, enliven the couple s appreciation of the virtue of fidelity, mutual trust, forgiveness, honesty, openness, love and responsibility for their children. In this way the past of the different Christian communities can best bring the couple to a keen awareness of all that they have in common as Christians as well as to a proper appreciation of the gravity of the differences that yet remain between their churches.

In their homes, these couples should be encouraged in practical ways to develop a common life of prayer calling upon the many elements of spirituality which they share as a common Christian heritage and expressing their own common faith in the Lord, together asking Him to help them grow in their love for each other, to bless their families with the graces they need, and to keep them always mindful of the needs of others. The example of parents united in prayer is especially important for the children whom God may give them. In regard to public worship together in each other's churches, pastors may explain to the couple the provisions made for this by the Holy See in the *Ecumenical Directory* 2 (cf. *Ecumenical Directory,* nn. 39, 41,42, 47-50, and 55-59).

Beyond this, parents have the right and the responsibility to provide for the religious education of their children. This right is clearly taught by Vatican II: "Since the family is a society in its own original right, it has the right freely to live its own domestic religious life under the guidance of the parents. Parents, moreover, have the right to determine, in accordance with their own religious beliefs, the kind of religious education that their children are to receive." *(Declaration on Religious Freedom,* n. 5). It is evident that in preparing for a mixed marriage, the couple will have to reach decisions and make specific choices in order to fulfill successfully the responsibility that is theirs toward their children in this respect. It is to be hoped for their own sake that in this matter, the couple may reach a common mind. If this issue is not resolved before marriage, the couple, as sad experience has shown, find a severe strain in their marital life that can subject them to well-meaning but tension-building pressures from relatives on both sides. If this issue cannot be resolved, there is a serious question whether the couple should marry. In reaching a concrete decision concerning the baptism and religious education of children, both partners should remember that neither thereby abdicates the fundamental responsibility of parents

[2] Reported in *Canon Law Digest,* 6, pp. 716-7 34.

to see that their children are instilled with deep and abiding religious values. In this the Catholic partner is seriously bound to act in accord with the faith which recognizes that, "This is the unique Church of Christ which in the Creed wc avow as one, holy, catholic, and apostolic. After His resurrection our Savior handed her over to Peter to be shepherded *(Jn.* 21:17), commissioning him and the other apostles to propagate and govern her (cf. *Mt.* 28:1 8f). Her He erected for all ages as 'the pillar and mainstay of the truth' (*I Tim.* M5). This Church, constituted and organized in the world as a society, subsists in the Catholic Church, which is governed by the successor of Peter and by the bishops in union with that successor, although many elements of sanctification and of truth can be found outside her visible structure. These elements, however, as gifts properly belonging to the Church of Christ, possess an inner dynamism toward Catholic unity." *(Constitution ofthe Cburcb,* n. 8). This faith is the source of a serious obligation in conscience on the part of the Catholic, whose conscience in this regard must be respected.

Specific Norms

This apostolic letter on mixed marriages leaves to episcopal conferences the further determination of specific questions. (The norms of *Matrimona niixta* are not repeated here, nor are the special norms affecting the marriages of Eastern Catholics and marriages of Catholics with Eastern non-Catholic Christians. They are found in rhe *Decree on Catbolic-Ortbodox Marriages,* of February 22, 1967.)[3] In order to implement this mandate, the NCCB sets forth the following for the dioceses of the United States.

I. Pastoral Responsibility

1. In every diocese, there shall be appropriate informational programs to explain both the reasons for restrictions upon mixed marriages and the positive spiritual values to be sought in such marriages when permitted. This is particularly important if the non-Catholic is a Christian believer and the unity of married and family life is ultimately based upon the baptism of both wife and husband. If possible, all such programs should be undertaken after consultation with and in conjunction with non-Catholic authorities.

2. In every diocese there shall be appropriate programs for the instruction and orientation of the clergy, as well as of candidates for

[3]Reported in *Canon Law Digest,* 6, pp. 605-606.

the ministry, so that they may understand fully the reasons for the successive changes in the discipline of mixed marriage and may willingly undertake their personal responsibilities to each individual couple and family in the exercise of their pastoral ministry.

3. In addition to the customary marriage preparation programs, it is the serious duty of each one in the pastoral ministry, according to his own responsibility, office or assignment, to undertake:

(a) the spiritual and catechetical preparation, especially in regard to the "ends and essential properties of marriage (which) are not to be excluded by either party" (cf. *Matrimonia mixta,* n. 6), on a direct and individual basis, of couples who seek to enter a mixed marriage, and

(b) continued concern and assistance to the wife and husband in mixed marriages and to their children, so that married and family life may be supported in unity, respect for conscience, and common spiritual benefit.

4. In the assistance which he gives in preparation for marriage between a Catholic and non-Catholic, and his continued efforts to help all married couples and families, the priest should endeavor to be in contact and to cooperate with the minister or religious counselor of the non-Catholic.

II. *Declaration and Promise (M.P., n. 7)*

5. The declaration and promise by the Catholic, necessary for dispensation from the impediment to a mixed marriage (either mixed religion or disparity of worship), shall be made, in the following words or their substantial equivalent:

"I reaffirm my faith in Jesus Christ and, with God's help, intend to continue living that faith in the Catholic Church.

"I promise to do all in my power to share the faith I have received with our children by having them baptized and reared as Catholics."

6. I'he declaration and promise are made in the presence of a priest or deacon either orally or in writing as the Catholic prefers.

7. The form of the declaration and promise is not altered in the case ot the marriage of a Catholic with another baptized Christian, but the priest should draw the attention of the Catholic to the communion of spiritual benefits in such a Christian marriage. The promise and declaration should be made in the light of the "certain, though imperfect, communion" of the non-Catholic with the Catholic Church because of his belief in Christ and baptism, (cf. *Decree on Ecumenism,* n. 3).

8. At an opportune time before marriage, and preferably as part of usual pre-marital instruetions, the non-Catholic must be informed of the promises and of the responsibility of the Catholic. No precise manner or occasion of informing the non-Catholic is prescribed. It may be done by the priest, deacon or the Catholic party. No formal statement of the non-Catholic is required. But the mutual understanding of this question beforehand should prevent possible disharmony that might otherwise arise during married life.

9. The priest who submits the request for dispensation from the impediment to a mixed marriage shall certify that the declaration and promise have been made by the Catholic and that the non-Catholic has been informed of this requirement. This is done in the following or similar words:

"The required promise and declaration have been made by the Catholic in my presence. The non-Catholic has been informed of this requirement so that it is certain that he (she) is aware of the promise and obligation on the part of the Catholic."

The promise of the Catholic must be sincerely made, and is to be presumed to be sincerely made. If, however, the priest has reason to doubt the sincerity of the promise made by the Catholic, he may not recommend the request for the dispensation and should submit the matter to the local Ordinary.

II. *Form of Marriage (M.P., n. 9)*

10. Where there are serious difficulties in observing the Catholic canonical form in a mixed marriage, the local Ordinary of the Catholic party or of the place where the marriage is to occur may dispense the Catholic from the observance of the form for a just pastoral cause. An exhaustive list is impossible, but the following are the types of reasons: to achieve family harmony or to avoid family alienation, to obtain parental agreement to the marriage, to recognize the significant claims of relationship or special friendship with a non-Catholic minister, to permit the marriage in a church that has particular importance to the non-Catholic. If the Ordinary of the Catholic party grants a dispensation for a marriage which is to take place in another diocese, the Ordinary of that diocese should be informed beforehand.

11. Ordinarily this dispensation from the canonical form is granted in view of the proposed celebration of a religious marriage service. In some exceptional circumstances (e.g., Catholic-Jewish marriages) it may be necessary that the dispensation be granted so

that a civil ceremony may be performed. In any case, a public form that is civilly recognized for the celebration of marriage is required.

IV. *Recording Marriages (M.P., n. 10)*

12. In a mixed marriage for which there has been granted a dispensation from the canonical form, an ecclesiastical record of the marriage shall be kept in the chancery of the diocese which granted the dispensation from the impediment, and in the marriage records of the parish from which application for the dispensation was made.

13. It is the responsibility of the priest who submits the request for the dispensation to see that, after the public form of marriage ceremony is performed, notices of the marriage are sent in the usual form to:

(a) the parish and chancery noted above (12);

(b) the place of baptism of the Catholic party.

The recording of other mixed marriages is not changed.

V. *Celebration of Marriages Between Catholics and Non—Catholics*

14. It is not permitted to have two religious marriage services or to have a single service in which both the Catholic marriage ritual and a non-Catholic marriage ritual are celebrated jointly or successively (cf. n. 13 of *Matrimonia mixta).*

15. With the permission of the local Ordinary and the consent of the appropriate authority of the other church or community, a non-Catholic minister may be invited to participate in the Catholic marriage service by giving additional prayers, blessings, or words of greeting or exhortation. If the marriage is not part of the Eucharistic celebration, the minister may also be invited to read a lesson and/or to preach, (cf. the *Ecumenical Directory,* Part 1, n. 56).

16. In the case where there has been a dispensation from the Catholic canonical form and the priest has been invited to participate in the non-Catholic marriage service, with the permission of the local Ordinary and the consent of the appropriate authority of the other church or communion, he may do so by giving additional prayers, blessings, or words of greeting and exhortation. If the marriage is not part of the Lord's Supper or the principal liturgical service of the Word, the priest, if invited, may also read a lesson and/or preach, (cf. *ibid.)*

17. To the extent that Eucharistic sharing is not permitted by the general discipline of the Church (cf. n. 11, *Matrimonia mixta,* and the exceptions in n. 39 of the *Ecumenical Directory,* Part I, May 14, 1967), this is to be considered when plans are being made to have the mixed marriage at Mass or not.

18. Since the revised Catholic rite of marriage includes a rich variety of scriptural readings and biblically oriented prayers and blessings from which to choose, its use may promote harmony and unity on the occasion of a mixed marriage (cf. *Introduction to the Rite of Marriage,* n. 9), provided the service is carefully planned and celebrated. The general directives that the selection of texts and other preparations should involve "all concerned, including the faithful..." *(General Instruction on the Roman Missal,* n. 73; cf. n. 31 3) are especially applicable to the mixed marriage service, where the concerns of the couple, the non-Catholic minister and other participants should be considered.

VI. *Place of Marriage*

19. The ordinary' place of marriage is in the parish church or other sacred place. For serious reasons, the local Ordinary may permit the celebration of a mixed marriage, when there has been no dispensation from the canonical form and the Catholic marriage service is to be celebrated, outside a Catholic church or chapel, providing there is no scandal involved and proper delegation is granted (forexample, where there is no Catholic church in the area, etc.).

20. If there has been a dispensation from canonical form, ordinarily the marriage service is celebrated in the non-Catholic church.

VII. *Conclusion*

The practical forms for the implementation of the above directives on the local level arc to be developed by the local Chancery in accordance with its normal practices.

The provisions of this document, as well as the apostolic letter upon which it is based, call for a renewed pastoral concern toward couples contemplating and those already in mixed marriages.

We urge all who are in any' way engaged in the pastoral ministry' to families to study this and related documents, and sensitively' to apply these latest provisions.

To assist our priests, religious ami lay people in carrying out the further implementation of this document, we pledge a cooperative effort on the part of appropriate agencies of the National Con-

ferencc of Catholic Bishops and the United States Catholic Conference. Specifically, we call upon:

The *Family Life Division* of the United States Catholic Conference to develop basic pre-marriage and marriage education programs incorporating the norms and spirit of this document;

The *Bishops' Committee for Ecumenical and Interreligious Affairs* and the *Bishops' Committee on the Liturgy* to explore the possibility of an ecumenical form for mixed marriage. This should be done with appropriate consultation involving interested churches and ecclesial communities separated from us;

The *Bishops' Committee on Priestly Formation* to develop a plan of study and renewal for the pastoral care of mixed marriages to be imparted both through seminary education and through programs for the continuing education of clergy.

While much remains to be done if the Church is to exercise more adequately a proper pastoral solicitude for couples in mixed marriages, we take this opportunity to commend the countless persons, lay, religious and clergy, at the diocesan and parish level, who arc engaged in marriage education and family counseling throughout the country.

Finally, we encourage the priests of the United States, who share with us a particular responsibility for the Church's ministry, to renew their pastoral solicitude for couples already joined in a mixed marriage, and also for those engaged couples of differing religious convictions who will soon begin married life together.

Approved by National Conference of Catholic Bishops of the United States, November 16, 1970; effective January 1, 1971.

(Private); N. C. C. B., particular norms, 16 Nov., 1970.

Marriage with Non-Catholic Oriental Christians: Catholics of any rite entering, are not obligated by the norms established by Paul VI in *motu proprio. Matrimonia mixta. See above* under this same canon, /XAS 62-257, near end of introduction.

Mixed Marriage: Norms: general. *See above* under this same canon, Paul VI, *motu proprio.* 31 March, 1970.

Norms particular: Australia: joint statement of Australian Council of Churches and Roman Catholic Church, 28 May, 1971; reported in *One tn Christ,* 8 (1972), 98-105.

Belgium; 12 Oct., 1970; *Doc Catb.,* 67 (1970), l 132-1 134.

Canada: 5-6 June, 1970; reported above under this same canon.

France: Oct., 1970, *Doc. Catb..* 67 (1970), l 123-1132.

Germany: 23 Sept., 1970; *Doc. Catb.,* 67 (1970), 1033-1040.

Holland: joint statement of Dutch Catholics and Protestants, 8 May, 1971 ;

English version in *One in Christ,* 8 (1972), 92-96.

Ireland; Oct., 1970; reported above under this same canon.

Italy: issued by C.E.I. in 1971 without specific date; reported in *Min. Pjst..* 46 (1971),131.

Switzerland: 16 Sept., 1970; Doc. *Catb., 6'I* (1970), 1031-1033.

United States of America: 16 Nov., 1970; reported above under this same canon.

Canonical form dispensation: *See* c. 1094; Com. Vat. II Interp., 11 Feb., 1972.

CANON 1063

Double Ceremony: Prohibition repeated. *See* c. 1061; Paul VI, *motu proprio,* 31 March, 1970, n. 13.

CANON 1066

Non-Practicing Catholic: Pastoral directives concerning the marriage of a, with a non-believing Christian, issued by the bishops of Belgium, 25 Sept., 1972; reported in *Doc. Catb.,* 69 (1972), 979-982.

CANON 1071

Mixed .Marriage: Norms: general. *See* c. 1061; Paul VI, *tnotu proprio,* 31 March, 1970. Norms: particular. *See* references under c. 1061.

CANON 1072

Celibacy: Diriment impediment to marriage. *See* c. 973; Paul VI, *inotu proprio, Ad pascendum,* 15 Aug., 1972, η. VI.

Dispensation reserved solely and personally to Supreme Pontiff. *See* c. 214;S.C. Doct. Fid., 26 June, 1972, n. III.

CANON 1079

Impediment of Spiritual Relationship Contracted by Formal Adherent of Non-Catholic Church (Sig. Apost., 17 June, 1970) Private.

The following reply to the proposed case (4 April, 1970) is of special interest since it equivalently revokes two earlier replies of the Holy Office in this regard [1]

'Canon *Law Digest,* 5, pp. 511-512.

Case. The following inquiry is proposed pursuant to the information contained in paragraph 2 of the instrument emanating from the Apostolic Signatura on 31 July, 1969, Prot. Num. 431/69 V.T. Carol C., a baptized Anglican, and Ronald B., then unbaptized, presented themselves to an Anglican clergyman to arrange a marriage. The clergyman invited Ronald B. to receive Baptism before the marriage. /Xpproximately one month prior to the marriage, Ronald B. received Baptism at the hands of the Anglican clergyman, and Carol C. acted as sponsor. Subsequently, Carol C. and Ronald B. were married according to the rite of the Anglican Communion.

In time, Ronald B. and Carol C. were divorced. Presently, Ronald B. wishes to marry, according to due canonical form if this be possible, a Catholic girl, Barbara E. The matter has come to the attention of this Tribunal. The question has arisen whether the diriment impediment of spiritual relationship may have impugned the validity of the marriage between Ronald B. and Carol C.

On 17 January, 1957, a *dubium* was proposed by the Most Reverend Ordinary of this Diocese of Fall River to the (then) Holy Office involving a matrimonial case with similar cirumstances of fact. On 28 May, 1958, the (then) Holy Office responded, in Protocol Number 225/57m, that the marriage then in question could not be declared null under the heading of spiritual relationship.

Inquiry is now respectfully made w'hether the principlesand interpretation of law upon which the *dubnun* in the previous parallel cause was resolved presently retain their force, or, whether this Tribunal may conscientiously and competently pursue an investigation of the instant case according to the summary procedure outlined in canon 1990 with a view to the possible declaration that the marriage of Carol C. and Ronald B. was null on account of the existence of the diriment impediment of spiritual relationship.

Reply. When the question raised by the Tribunal of Fall River was proposed in the assembly held in the presence of His Eminence, the Cardinal Prefect, namely: Can the above-mentioned marriage entered into between two non-Catholics in the Anglican Church be impugned and, indeed, in summary process, on the basis of spiritual relationship since the woman discharged the function of godmother in the Anglican baptism of the man, it replied: *The marriage in the instance can be impugned on the basis of the impediment of spiritual relationship and the case can be handled by observance of canon 1990.*

(Private). Sig Apost., reply, 17 June, 1970. Prot. N. 357/70 V.T.; reported in an article (Harrington) in *The Jurist,* 31 (1971), 523-524.

CANON 1080

Adoption: Invalidating impediment to marriage in *civil* law. for listing of, in countries of the world and for extent of impediment, *see Jurist,* 30 (1970), 456-473 (Wojnar).

Guardianship: Invalidating impediment to marriage in *civil* law: for listing of countries of the world and for scope of impediment, *see Jurist,* 30 (1970), 493-494 (Wojnar).

CANON 1081

Matrimonial Consent: Doctrine followed in Dutch tribunals adversely criticized. *See* c. 1013; Sig. Apost., 30 Dec., 1971.

CANON 1086

"Contra Bonum Prolis": Distinction of Exclusion of Right to Use from Exclusion of Use (Rota, 1 June, 1968) Private.

This decision is notable for its lengthy jurisprudence on the issue of the distinction between exclusion of the right to use marriage and the exclusion of the use itself. The total section, *In lure,* is *verbatim* as follows.

In virtue of canon 1086, §2, only that intention *contra bonum prolis* is to be said to effect nullity of marriage which exhibits exclusion of all right to the conjugal act. The canon assigns juridical importance to the positive act of the will whereby children are excluded only if an act of this kind has as its proper object the exclusion of coitus, that is, of true conjugal union, namely, of that union which of itself is suitable for the generation of children. Just as nullity of marriage because of exclusion of perpetuity or of unity of the bond arises from the fact that the consent denies one of the essential qualities of marriage, and, as a result, of those elements which constitute the object around which consent necessarily turns, so he who denies the right "to the conjugal act" (can. 1086, §2) contracts invalidly. Consequently, an intention against children has juridical importance when it excludes the right to perform coition in a natural manner, namely, coition which of itself is suitable for procreation. Therefore, a marriage is null if it is contracted with the intention of replacing coition duly ordered to procreation or, what is the same thing, natural coitus, with acts which are in any way

against nature. On the other hand, this nullity docs not primarily and of itself arise out of exclusion of the right to children but out of the nonconferral of the right to the body. This is the right which the parties can and must give and accept when marriage is contracted, brom this right there follows, of course, the right to children but as a derived right which is not altogether within the possession of the contractors, namely, in the sense that it is not within their exclusive power to give children to the partner. Since this power depends upon other causes with regard to which the spouses can do nothing, it belongs to them to give what they have and can, namely, the right which is to be properly performed on the body. However, while the surrender of the right over the body admits of no exception, because it must be exclusive and perpetual, the same is not true of the exercise of the said right. For the right exists although it can also coexist with abuse or nonuse or bad use provided, however, that these conditions are not so determined by a positive act of the will of the contractor that it must be said that the very right was denied or excluded, i.e., as though it did not exist for the other party. This latter situation does not obtain in a case in which the right to the conjugal act is indeed conceded but with the determination not to exercise it for a period of time or to exercise it badly or against nature for a time. The contractor by this manner of acting does not contradict the nature of the matrimonial negotiation even though he violates the moral order. From the very fact that he personally, for a period of time, suspends or impedes the exercise of the right to the conjugal act, it is deduced that he conceded the right over the body. Generally speaking, in all temporary exclusions there is almost always had the simple intention not to fulfill one's obligation, namely, to do something which is contrary to the exercise of the right but not contrary to the right itself. A person who contracts in this manner, has indeed a depraved will but only against the moral order. He intends to take on the obligations which come to him from the celebration of the marriage but he wishes for a time to restrict the obligations which the giving-and-acceptancc of the right over the body imposes upon them. As a result, his consent is juridically valid, although illicit, inasmuch as, whether he will so act without the consent of the other party or even with the other party's consent, if he acts contrary to nature, he violates the moral order but only this.

This conclusion rests on the very certain distinction between right and its exercise This distinction is not only not merely speculative but it also pertains to actions, that is, to a person's life. Since a right is the power freely to use some good, he who also possesses the

right, cannot be forced to the exercise of his right unless the same right belongs also to another person. In that case there is a mutual obligation such as is had in a marriage. "Let the husband render io the wife her due, and likewise the wife to the husband. The wife has not authority over her body but the husband; the husband likewise has not authority over his body but the wife. Do not deprive each other, except perhaps by consent, for a time." (/ *Cor,* 7:3-5). These words of St. Paul, which are exhortatory and look to the moral order whereby spouses regulate their conjugal life, clearly show that a man and a woman in marriage possess the same right to sexual relations, that is, in the manner and degree, and that the exercise of this kind of right depends upon their will. By common consent, they can licitly abstain from conjugal acts, namely, from the exercise of the right which they possess over the body of the partner. They commit sin, however, if, without the consent of the other party, they impede the exercise of this kind of right, or if they perform it contrary to the natural order. But if the will not to use the right is within the power of the spouses, and if the same will is good or bad inasmuch as the consent of the other party is had or not had, or inasmuch as one acts in accordance with or contrary to the order established by nature, it is evident that the right can stand apart from, that is, exist without it being exercised.

Therefore, whoever abuses the right he possesses over a body, even if he does so by reason of a will which he set for himself before the wedding, places bad acts and sins because he acts contrary to a right which belongs to the other party. However, he does not simply sin if the contractor intends such abuse for the whole of his married life. In this case the matrimonial consent must be said to be invalid because he who intends *such* an abuse *once for all,* does not hand over the right since he reserves to himself to act only as he wishes, which is not the right whose delivery carries with it for him who delivers it, the obligation to fulfill it. In this case it is not only presumed but must be held as certain that there was no consent. Just as the man who sells something, for example, a piece of land (this is said by way of illustration since the matter in marriage is by no means the same), but prevents the purchaser from being able to take possession of and duly use it, must be said not to have transferred title to the property, so he who contracts marriage with the determination not to grant coition to the partner or to permit it only in an inordinate way, does not hand over the right. This is true, however, not because there is no distinction between the basic right *(ius radicale)* and the right-to-use *(ins utile),* or, to say it more correctly in

matters matrimonial, between the right and the exercise of the right, but only because the absolute denial of possession of the right is. in the concrete, equivalent to denial of the right itself; he who wants only abuse, does not concede and does not accept any right. And the law which was born to safeguard the right of individuals, must defend him who is thus defrauded, that is, who can never use his right. We say this is true because, whether the matter is examined in the abstract or in the concrete, a right is one thing, its exercise is another. If this were denied, then it must be said that a right always exists in its exercise or, when exercise is not had, the right does not exist — which is altogether unreasonable.

Properly speaking, there is no base right and right-to-use in marriage since this distinction belongs rather to property rights *(jurium realtum),* i.e., rights to a thing. These seem to admit of a right to a thing or base right which gives dominion of a thing and a right to use of the thing which gives use of the thing. In marriage, on the other hand, since genuine dominion over the body of the partner is not given but, properly speaking, a right to use of the body, or, more correctly, to coition, this kind of right of itself is not a base right and its use is not a right-to-use. As a result, it must rather be said that in marriage there is had authority *{facultas)* to engage in coition and this authority, such as it is, admits of potency and act, or capacity and execution, that is, a right and its exercise.

With reference, however, to what was said in a decision of the S. R. Rota *coram* Staffa on 18 July, 1958,[1] which was cited by the judges of the first instance, "one who contracts marriage with a condition excluding the use of the right to conjugal acts, transfers a right to the use, without the right to use; that is, he transfers the right and excludes the right to one and the same thing," acts contradictorily and so denies the right itself. This is simply the fact and the contradiction is, properly speaking, in the fact whose importance in law consists in this that the distinction between a right and its exercise is a real distinction; if this were not a real distinction, that contradiction would not be had.

Consequently, rather than deny the distinction between a base right and a right-to-use, because it generates confusion and disquiet in sentences, it would be better and more accurate to say that there is a distinction between a right and its exercise. This distinction is unequivocal and real.

[1] Reported in *Canon Lain Digest,* 5 pp. 515-517; cp. an earlier Rota decision, 23 Feb.. 1951. summarily reported in *Canon Law Digest,* 3, p. 440.

Moreover, the judges of the first instance wrongly cite the allocution of Pius XII to the midwives on 29 Ocotober, 1951. The Supreme Pontiff clearly distinguishes between a right and its exercise when he declares: "If already at the contracting of the marriage one at least of the parties had the intention of limiting to the sterile periods the marriage *right itself,* and not merely *its use,* so that outside those periods the other party should not have even the right to demand the act, that would imply an essential defect of matri-

itself, because the right which arises from the matrimonial contract is a right of each party in regard to the other, which is permanent, uninterrupted, not intermittent. If, on the other hand, the limitation of the act to the days of natural sterility refers *not to the right itself but merely to the use* of the right, the validity of the marriage remains above suspicion" (/1/1S, 43 [1951], 845).2

From these words it is evident that the Supreme Pontiff not only distinguishes between a right and its exercise but affirms that, with this distinction made, the marriage is valid if the spouse temporarily excludes the exercise, that is, the use of the right over the body.

It is objected: the distinction between right and the exercise of a right is foreign to the mind of St. Thomas since in q. 49, art. 3, c of the *Supplement* St. Thomas asserts that marriage cannot exist without an intention to have children and, as a result, "the exclusion of that intention by a positive act of the will vitiates the matrimonial consent and invalidates the marriage." This conclusion, which is that of the S. R. Rota *coram* De Jorio on 28 December, 1963, is indeed true and is conformed to the constant jurisprudence of this Tribunal as well as to the doctrine of St. Thomas. It is a true conclusion because, as the Angelic Doctor clearly explains, it is *one thing* to speak of children in their ultimate cause; it is *another* to speak of children as such. The first cannot be excluded when a marriage is being contracted; the second, however, since generation is not really within the control of a person, cannot enter into matrimonial consent, and marriage results as already constituted in its essence with all its essential properties which make up the goods of marriage, namely, the sacrament, fidelity, and children. In this last good is understood the intention to have children, that is, the right to them in the sense already explained above.

Reported in *Canon Law Digest,* 3, pp. 440-442 at 441.

"Fidelity and children can be considered in another way, namely, inasmuch as they exist in their ultimate causes, so that for children is understood the intention to have children, and for fidelity the obligation to maintain fidelity. Without those, even marriage cannot exist because these are brought into existence in marriage by the conjugal pact itself in such wise that if anything contrary to these were expressed in the consent which makes a marriage, there would not be a real marriage." These words of St. Thomas provide the foundation for the distinction between the right to coition and, consequently, to children which is given and received in marriage, and the use of this right which is carried out in conjugal life. Without that distinction there is no understanding what is meant by the intention to have children. It is certainly not the children themselves since it is possible that none will be had in a marriage and so, as we have said, this possibility is beyond the person's control. On the other hand, it belongs to a person to give and to accept that right over the body, that is, to coition, from which children can be born. If a person denies or excludes this right, he certainly has an intention against children since children are the natural and special purpose not only of coition itself but also of marriage. Thus he acts contrary to the nature of marriage and, consequently, his consent is null. However, if this right is conceded, the marriage remains valid, no matter what happens regarding its use: whether it is temporarily suspended or whether it is performed in a way contrary to nature. As Benedict XIV says in *De Synodo Diocesana,* XIII, 22, 11: "It is not the nonuse of marriage which is repugnant to the substance of marriage but the inability to use it." Rightly, then, do we read in a sentence of the S. R. Rota *coram* Felici on 17 April, 1950: "With reference to the good of children, the distinction between a right and its exercise is supported by these rational arguments and is so confirmed by the perpetual teaching and jurisprudence of our sacred Tribunal that to deny it or even to relegate it to pure rational distinctions, which is the same thing, would portend something abnormal and dangerous. Any kind of right or obligation, unless something else springs from its innermost nature, can equally stand without the exercise of the right or the fulfillment of the obligation. Just so is the act of the will whereby the right is transferred and is accepted and so a juridical status is established, distinguished from the act of the will whereby an assumed obligation is fulfilled. The result is that, although this second act may be lacking or be contrary, the first is not necessarily endangered" *(Decisiones,* vol. 42 [1950], 214), unless from constant and perverse abuse it should be

agreed that the right itself was excluded. However, there must always be proof of the exclusion.

When there is doubt whether in some case the right itself or only the exercise of the right was excluded, the presumption in the external forum is that the contractors wished to abuse their right rather than that they wished to exclude it, that is, they wished to violate the obligations flowing from the contract rather than to reject them. Therefore, in order that a marriage may be declared null, the exclusion of the right itself must be proved by definitive arguments (cf. S. R. Rota, sentence *coram* Pasquazi, 7 Feb., 1950, in *Decisiones*, vol. 42 [1950], 70).

(Private), Rota, Decision *coram* Fagiolo, 1 June, 1968, Prot. N. 8921; translated from copy of the original decision.

Homosexuality: Invalidity of marriage because of, declared by tribunal of Ottawa, Canada, 9 April, 1969, and confirmed by tribunal of Quebec, 19 June, 1969; reported (in English) in *Studia Canonica,* 3 (1969), 153-163.

CANON 1094

Formula of Dispensation from Canonical Form (S. C. Doct. Fid., 1969) Private.

Following is the formula presently (1969) used by the S. C. for the Doctrine of the Faith in granting a dispensation from the canonical form of marriage.

Your Excellency.

In Your letter dated..... Your Most Reverend Excellency requested a dispensation from the canonical form of marriage to be contracted between the Catholic party, *N.N.*, and the non-Catholic party, *N.N.*, who intend to make the canonical promises regarding the Catholic baptism and education of their children.

In this regard I inform you that this Sacred Congregation grants the favor of dispensation provided that all danger of scandal and wonderment on the part of the people is removed.

The Catholic party must show the Catholic pastor the document of the celebration of the marriage for its appropriate notation in the matrimonial record book.

Taking advantage of this occasion, I extend to you my sentiments of deep esteem, and I remain at

Your Most Reverend Excellency's service,
N./V.

(Private); S. C. Doct. Fid., Formula, 1969.

Dispensation from Canonical Form (Com. Vat. II Interp., 11 Feb., 1972) AAS 64-397.

The members of the Pontifical Commission for the Interpretation of the Decrees of Vatican Council II were asked:

Whether, in accord with the apostolic letter, *Matrimonia mixta,*[1] issued *motu proprio* on 31 March, 1970, the local Ordinary can grant a dispensation from the canonical form of celebration of mixed marriage if one party is Catholic but the other party was, indeed, baptized in the Catholic Church but later defected from the faith and was converted to another confession which is not Catholic?

Reply. *In the affirmative,* provided that serious difficulties block observance of the canonical form.

His Holiness, Pope Paul VI, in the audience granted to the undersigned on the 11th day of February, 1972, ratified and approved the above decision and ordered that it be published.

AAS 64-397; Com. Vat. II Interp., reply, 11 Feb., 1972, η. I.

Canonical Form: Faculty to dispense, in case of mixed marriage. *See* c. 1061; Paul VI, *motu proprio,* 31 March, 1970, nn. 8-9.

Lay Person as "Qualified" Witness. *See* c. 1098; S. C. Sacr., 7 Dec., 1971.

CANON 1095

Consent of Non-Catholic Party to Mixed Marriage Not Sought by Priest-Officiant (S. C. Doct. Fid., 9 July, 1969) Private.

The following query was originally addressed to the S. C. for the Sacraments but, due to lack of competency in the matter, that S.

[1] Reported in this volume under canon 1061,

Congregation transferred it to the S. C. for the Doctrine of the Faith.

Query. A Catholic man entered marriage with a baptized Protestant before a Catholic priest, due dispensation having been obtained. Present, however, at the ceremony was a Protestant minister.

It seems that the officiating priest, in the ceremony, asked and received the required consent only from the Catholic principal but permitted the Protestant minister to ask and receive the required consent from the Protestant party.

Is it sufficient for validity that the officiating priest hear the required consent expressed in his presence although he did not directly ask and receive the consent of one of the parties?

Is it not necessary for validity that one and the same officiating priest ask and receive the required consent from both parties?

Docs or does not the above marriage need to be sanated?

Reply. In your letter of 1 April 1969, Your Excellency proposed some questions regarding the case of a marriage already celebrated in which the Catholic priest received the consent from the Catholic party and a non-Catholic minister that of the non-Catholic party. It was asked: 1) Is the above-mentioned marriage valid? 2) If not, is it sufficient for convalidation that there be a renewal of consent by both parties or does the aforesaid marriage need a sanation?

After these points were maturely examined, the Eminent Fathers of this department, in their session of 25 June, 1969, decided to reply: 1) As regards the concrete case, the validity of the marriage must be upheld. 2) As regards the proposed questions, the Ordinary should consult approved authors.

In the audience granted to the undersigned prefect on 27 June, 1969, His Holiness deigned to approve the decision of the Eminent Fathers.

(Private); S. C. Doct. Fid., Reply, 9 July, 1969, Prot. N. 1699/68m. Copies of the original documents kindly sent us by the Rev. Msgr. Timothy P. O'Connell, Officialis of the Diocese of Worcester.

Deacon: Delegation of, to assist at marriage. *See c.* 1096; Com. Vat. II Interp., 19 July, 1970.

CANON 1096

General Delegation for Deacon Assigned to Parish (Com. Vat. II Interp., 19 July, 1970) AAS 62-571.

The Fathers of the Pontifical Commission for the Interpretation of the Decrees of the Second Vatican Council decided to reply to this question proposed in a plenary session:

Whether a deacon who is firmly and lawfully assigned to a certain parish, can be equated with assistant pastors (for the parish to which they are assigned, in accord with the intent of canon 1096, §1) as regards general delegation or permission relative to assisting at a marriage according to the norm in canon 1095, §2?

Reply: *In the affirmative.*

Our Holy Father, Pope Paul VI, in the audience granted to the undersigned on 19 July, 1970, ratified and approved this decision and ordered it to be published.

AAS 62-571; Com. Vat. II Interp., reply I, 19 July, 1970. Annotations in *Coni, pro Rel.,* 51 (1970), 377-378 (Gorricho).

CANON 1097

Intcrritual Marriage: Power to Dispense (Canadian Apost. Del., 10 July, 1969) Private.

The following letter was sent to all archbishops and bishops of Canada by the Apostolic Delegate to that country.

Under date of 18 January, 1967,[1] as is known, the Sacred Congregation for the Doctrine of the Faith rendered an authentic interpretation of the *motu proprio, De Episcoporum muneribus,*[2] concerning the manner of proceeding in the case of marriages between faithful of different rites.

In virtue of this declaration since 1967, the Ordinary of the Latin rite enjoys the faculty of dispensing from the requirements of canon 1097, par. 2, second part, of the Code of Canon Law, and from

[1] This was date of the plenary session, date of official reply was 1 Feb., 1967; reported in *Canon Law Digest,* 6 pp. 411-412.

[2] Reported in *Canon Law Digest,* 6. pp. 394-400.

canon 88, par. 3, of rhe *motu proprio, Crebrae allatae,* (February 22nd, 1949): De Sacramento Matrimonii, of the new canonical Oriental legislation.

The same faculty has been expressly given by our Holy Father, Pope Paul VI, also to all the Ordinaries of the Oriental rite under date of December 12, 1968.3

Therefore there is no longer any need to request this dispensation from the Apostolic Delegation.

(Private); Canadian Apost. Del., Letter, 10 July, 1969, Prot. N. 9929/69, a copy of which was sent us by the Canadian Canon Law Society.

CANON 1098

Marriage Before Witnesses Only (S. C. Sacr., 7 Dec., 1971) Private.

The following instruction "on the canonical celebration of marriage before witnesses alone in particular cases" was addressed to the local Ordinaries.

Not so long ago some diocesan Ordinaries, either as individuals or as part of a group, sent a petition to the Holy See that the prescriptions of the *Code of Canon Law* (CC. 1094-1103) be derogated from and that, because of the dearth of priests and deacons, the faculty be granted for validly celebrating a canonical marriage before a member of the Catholic faithful, delegated by the pastor or the local Ordinary, and two witnesses.

After this petition had been submitted to sedulous study and after the competent Departments and Offices and others who had an interest in any way whatever had been consulted, the Sacred Congregation for the Discipline of the Sacraments examined the proposal in its ordinary session held on 18 June, 1971. In that session, indeed, as should be done, also considered in this matter were the arguments advanced by the Pont. Commission for rhe Revision of the Code of Canon Law.l

Immediately and without doubt it was evident that the above-mentioned petition arose out of the praiseworthy zeal of the pastors

3Date is given as December 1 3, 1968 in letter of U.S. Apost. Del., reported in this same volume under canon 1.

*Cf. *Communicationes,* 3 (1971),78-81.

pressed by fear lest those who wished to set up a Christian family lawfully should be deprived of the grace of the sacrament.

The Fathers also noted that at times those wishing to enter marriage do not believe they can use canon 1098 *C. I. C.*-if they even know of it-since no kind of sign manifesting the sacred and religious character of a wedding is present in a celebration of this kind.

1.However, after having carefully considered all angles, it does not seem to be expedient that the law should establish that, in the absence of the pastor or a priest or deacon or one delegated by the law or the pastor or the local Ordinary, another member of the faithful, religious or lay, be deputed by name to assist at the celebration of a canonical marriage, together, of course, with two attendant witnesses.

Because:

If a program for this kind of assistance were required *for validity,* the force of the aforementioned canon 1098, which stipulates that a marriage is valid when contracted before only two witnesses, would be narrowed down. As a result, a change in the prevailing law would not only not be for the good of souls but, maybe, to their detriment since, that is, many marriages, which would otherwise be valid, would be robbed of their force. Actually, use of canon 1098 for the various cases which occur would become more difficult.

If, on the contrary, a program for this kind of assistance were required for *liceity* only, very often the sought-for benefits would not be received and something more would be imposed than what is prescribed by canon 1098.

2.On the other hand, since the pastoral solicitude of the Ordinaries who presented the aforementioned petition, has great importance, as is proper, the following points are highly recommended for action:

a) In those places where the enormous size either of the total diocese or of individual parishes so indicates, together with the daily increasing serious dearth of priests and deacons as well as the swelling numbers of people living quite far from the parish center and the pastor's residence, with roads either lacking or, if had, difficult, Ordinaries should attentively investigate whether it can be lawfully declared that the faithful who arc resident there, may validly and licitly use canon 1098. (In this regard, of course, in addition to the tenor of the canon, to be kept in view are the authentic interpretations of the said canon given by the Pont. Commission for the authentic interpretation of the canons of the Code on 10 November,

1925; 10 March, 1928; and 25 July, 1931 which arc recorded in the official commentary, *Acta Apostolicae Sedis).2**

b) The same Ordinaries should take care that lay persons be trained by suitable catechetical courses established for this purpose. Then they, after having been assigned to definite places,

-should give the catechesis prior to the celebration of marriage in such a way that those entering marriage may learn the prescriptions of canon law and be led on to attaining the state of grace necessary for the salvific reception of the sacrament of matrimony by the extraordinary ways which are available to the faithful;

-should be available to assist at the celebration of the marriage itself but without prejudice to the right of the spouses to contract marriage validly in the presence of any witnesses whatever in accord with canon 1098;

-should draw up the record of the celebration of the marriage in due form and according to law, and take care that it is transcribed into the prescribed parish books.

I his plan does not, of course, change the prescription of canon 1098. Neither does it make the member of the faithful the canonical witness "qualified" with the authority of the Church and added to the two witnesses required in the extraordinary form, but it does produce the effect that one or other of them, having been better taught, may be able to perform a very timely ecclesial work. By this plan it seems that the sought-for benefits are satisfactorily attained. Moreover, the "qualified" member of the faithful who, after appropriate instruction, assists at the celebration of a marriage, can, in accord with the Ordinary's prescriptions, take care that the rite be clothed with external religious and sacred significance (for this reason, if possible, the rite should be performed in a sacred place and enriched with prayers). He can also take care to bring canon 1098 expressly to the notice of those present by] publicly declaring that a celebration of this kind is a legitimate form, set down and approved by the law, for receiving the sacrament of matrimony. Finally, he can take care to offer himself as guarantor of the due recording in the parish books.

It will be the concern of the Ordinaries to select for this function lay persons who give hope that they will perform it correctly. Therefore, in addition to candidates for sacred Orders and theology and

2AAS. 17 (1925), 583; 20 (1928), 120, I; 23 (1931), 388, I—all reported in *Canon Law Digest.* 1, p. 542.

philosophy students of the seminary, they should welcome especially catechists, members of Catholic Action, and others who by common judgment are considered mature.

Our Holy Father, Pope Paul VI, on the 26th day of November, 1971, approved and confirmed this instruction and ordered that it be observed by all to whom it pertains.

Given at Rome, from the offices of the S. Congregation for the Discipline of the Sacraments, the 7th day of December, 1971.

(Private); S. C. Sacr., instruction. 7 Dec., 1971; reported in *Archiv K. K.*, 141 (1972), 510-512.

CANON 1099

Application of Canon 1099, §2 (Rota, 11 Dec., 1971) Private.

Facts. 1) I. M., 27 years old, dubiously baptized although born of Protestant parents, a minister of "S.N.C.F.," and G. M., 9 years younger, baptized in the Catholic Church, an athletic director, after a happy engagement period, on 1 May, 1939 celebrated both a civil marriage and a religious marriage before a Protestant minister in the city of "Roanne."

In the beginning the union was happy and was reinvigorated by a child who unfortunately, however, died. Gradually the woman became unfaithful to the man and, finally, definitively left him in 1960 with the result that a so-called civil divorce was granted by a civil magistrate on 21 March, 1968.

2) The man knew a Catholic girl at that time and even proposed the case to the S. Congregation for the Doctrine of the Faith on the 5th of November of the same year. This S. Congregation remanded the case to this Sacred Roman Rota by letter on 12 March of the following year.

Our Sacred Tribunal, however, transmitted the case to the ecclesiastical tribunal of Lyons where on 15 July, 1969, the question was formulated regarding the nullity of the marriage because of defect of canonical form.

After the instruction of the case had been duly carried out, an affirmative sentence was pronounced on the 13th of June of the following year.

In keeping with his office, the defender of the bond appealed to the appellate tribunal of Lyons which, on the 18th of November of the same year, issued a sentence confirming the prior sentence.

In virtue of canon 1987, in keeping with his conscience, the defender of the bond interposed an appeal to Our Sacred Tribunal: "since there remains a doubt whether G. M. was born with one or the other parent being non-Catholic, there also remains a doubt whether the woman-defendant, by reason of the baptism received, was held to give herself in marriage through the canonical form, while at the same time upholding the validity of the marriage in a case of doubt (can. 1014)." This appeal the defender of the bond of Our Sacred Tribunal prosecuted.

And so now it befits us to determine what must be definitively declared after having duly framed the question in the usual formula: "In the case, is there proof of nullity of the marriage? "

Law. 3) The law states: "The following persons are obliged to observe the form above described: 1) *All who are baptized in the Catholic Church* or who have been converted to it from heresy or schism, even though the former or the latter may later have left the Church, whenever they contract marriage among themselves; 2) *Tbe same persons mentioned above, if they contract marriage with non-Catholics, either baptized or not baptized,* even after obtaining a dispensation from the impediment of mixed religion or disparity of cult;..

But to this twofold principle there is set down in the *Code* itself a *twofold exception:* "§2. *But, without prejudice to the provision of §/, ». I,* non-Catholics, whether baptized or not baptized, if they contract among themselves, are nowhere bound to observe the Catholic form of marriage; *likewise exempt are persons born of non-Catholic parents even though they have been baptized in the Catholic Church, who have grown up from infancy in heresy or schism or infidelity, or without any religion, when they contract with a non-Catholic party. "* This last clause – which must be applied in the instance since there is question of a marriage celebrated in 1939 – was removed by the *motu proprio* decree, *Ne temere, of* l August, 1948 (/MS, t. 40, p. 305 f.).'

4) For the understanding of that clause, its origin must be noted. As a matter of fact, it must be sought out from the famous *declaration* of Benedict XIV on 4 November, 1741, in virtue of which, notwithstanding defect of the Tridentinc form in places subject to the dominion *Foederatorum Ordinum* in Belgium, marriages either

l Reported in *Canon t aw Digest,* 3, pp. 463-464.

between heretics or between heretics and Catholics must be held as valid (Benedict XIV, *Bullarium,* t. 1, Prati, 18+5, p. 311, n. 34 pr.).

However, a question arose regarding the scope of the word "heretics" and on 6 April, 1859, the Holy Office was asked whether there would be included among them: "1) Those, *who although baptized Catholics, were brought up in heresy from childhood below the age of seven* and profess heresy; 2) those, who were not brought up in heresy or by heretics, that is, without having received any or almost no instruction in heretical doctrine and without having professed its worship although they sometimes took part in it; 3) those, who while still children fell into the hands of heretics and were joined to an heretical sect;... 5) those, who were born and baptized by heretics but grew up without having made any solemn profession of heresy or, as it were, of any religion."

The S. Congregation replied: "For the effects of marriage, the above-mentioned *are included* in the renowned *declaration* of Benedict XIV."

5) For this reason it is not understood why the decree, *Ne temere,* of 2 August, 1907, did not say, as the consultor Augustus Silj had proposed: "also *exempted* (from the canonical form) arc those who were baptized Catholics but were brought up in heresy from childhood below the age of seven and professed heresy, as the Holy Office stated on 6 April, 1859 when issuing its declaration on the constitution of Benedict XIV for Holland" (cf. P. Gasparri: *Tractatus de Matrimonio,* t. 2, Città del Vat., 1932).

As a result, the *Code* rightly took care of this omission in the second clause when it set down with a degree of additional determination: "... likewise exempt arc *persons horn of non-Catholic parents,* even though they have been baptized in the Catholic Church, who have grown up from infancy in heresy or schism or infidelity, or without any religion, when they contract with a non-Catholic party." Hence, the *Code* expressly considered not only upbringing in heresy since *it added* the need of *birth from non-Catholics.*

On the other hand, the reason for that law is evident according to canonical teaching, namely, it must be greatly doubted that anyone situated in such circumstances pays attention to celebration in canonical form and, as a result, danger is had of an unlawful union, as is noted, among others, by E. F. Regatillo *(Interpretatio et Jurisprudentia C. I. C.,* Santander, 1949, pp. 387 ff.).

6) Nor must the Commission for the Interpretation of the Code be passed over when, on 20 July, 1929, it responded to the ques-

tion: "Whether the words *ab acatbolicis nati* mentioned in c. 1099, §2, include also those born of parents one only of whom is a non-Catholic, even when the *cautiones* were given in accordance with c. 1061 and c. 1071? " by deciding that it must be answered: "In the affirmative" *{AAS,* t. 21 p. 573.)?

Indeed, in order to remove doubt about marriages previously celebrated, the same above-mentioned Commission, on 25 July, 1931, responded to a second question: "Whether the interpretation of c. 1099, §2, given on 20 July, 1929, is declarative or extensive? " by saying: "In the affirmative to the first part; in the negative to the second" *{ibid.,* t. 23, p. 388).*3*

From all this it comes out that four things are required for the application of the second clause of the second paragraph of canon 1099, that is, as regards a marriage celebrated -*without* canonical form, namely: birth from at least one non-Catholic parent, baptism in the Catholic Church, non-Catholic upbringing (from the age of seven years according to the Rota decision *coram* Ewers, 11 May, 1968), marriage with a non-Catholic.

8) Nevertheless, this second clause of the second paragraph of canon 1099 is nothing but an *exception* to the general rule of canon 1099, §1 as is clear from the very wording of canon 1099, §2: "But, without prejudice to the provisions of canon 1099, §1, 1°," as Fr. Vermeersch states (Λ. Vermecrsch — J. Creusen: *Epitome luris Canonici,* t. 1, Malines-Rome, 1949, p. 126, η. 126).

Consequently, it follows that, by virtue of canon 19 which sets down: "Laws which . . . contain an exception to the law are subject to strict interpretation," *if the four requisites* just recounted for the application of the second clause of canon 1099, §2 *are not strictly proved, there is nothing left but to apply the general rule* of canon 1099, §1, 1° and, as a result, the obligation to the canonical form of marriage.

9) In that sense Fr. Creusen declares himself by asserting: "We cannot admit that children born of *Catholic* parents, baptized in the Catholic Church, but, *because of the death or sin of their parents,* brought up in heresy, schism, etc. must be completely equated, *solely from the purpose of the law,* with children born of non-Catholic parents," as, in other respects, Our jurisprudence maintains (cf. decision *coram* Wynen, 11 December, 1949 — S. *R. Rotae Decisiones,* t.

Canon Law Digest, 1, p. 543.
3Canon Law Digest, 1, p. 544.

41, p. 504, n. 6). Fr. Crcusen concludes: "Since. . . that assimulation to the text of the canon seems repugnant, we grant, rather, that the law can be deficient in some ways, i. e., *it has sanctioned nothing special"* (A. Vermeersch – J. Creusen: *ibid.,* t. 2, Malines-Rome, 1930, p. 251, n. 407, 3°).

Exactly the same thing must be said about illegitimate children whose second parent remains unknown and whose religion, as a result, cannot be proved, for, *if the exception is not proved,* the general rule must be observed and, consequently, the obligation to the canonical form.

10) This is all the more true because of the lack of the factual presumption on which the second clause of the law of canon 1099, §2 is founded: for it is presumed by that clause — as noted above in n. 5 — that danger is present that the influence of a non-Catholic parent would induce a person baptized in the Catholic Church but brought up outside it, to look down on the canonical form required for marriage and, for this reason, exemption from that form has been pronounced.

But by common teaching it is held that, when *the presumption of fact* on which a law is based *is missing, that law is missing,* as is explicitly stated by A. Van Hove: "A law based on the presumption of a particular fact then only obliges when the fact is present" *(De Legibus Ecclesiasticis,* Malines-Rome, 1930, p. 342, n. 334; cf. M. Michiels: *Normae Generales C. /. C.,* t. 1, Paris, 1949, pp. 433 ff.).

Evidence and Decision. 11) The difficulty of the case consists in this: that of the four requisites for the application of the exemption from the canonical form of marriage established in the second clause of canon 1099, §2, only three seem to be verified in the marriage celebrated on 1 May, 1939, while it is contended that *a doubt* is had regarding the fourth.

Consequently, it must be determined that the four things reported on the side of G. are not completely verified as the four conditions in order that she may be exempted from the canonical form established as the rule.

12) However, no difficulty seems present as regards three of them at least. First, if wc begin from the last requisite, G. certainly married a non-Catholic man. To be sure, it is not really known whether 1. M. was baptized or not but it matters little since "non-Catholic" in the instance — as all agree — can be understood of a baptized or of a non-baptized person.

13) Likewise it is altogether certain that G. from chilhood received a Protestant upbringing. The plaintiff reports — since the de-

fendant is contumacious – that she "came to Chambon very young" although he admits he did not know how to determine her age more accurately, but the custom was that "public aid" children were quickly turned over to other families; he continues: "She was raised by a Protestant family, Russier, at Suchère, a hamlet of Chambon" *(ib.)*. This is confirmed by the pastor of that village when he asserts: "Before the war many of the country families raised "aid" children here in order to gain a little money," adding a little later: "The majority of infants arrived as baptized Catholics but were raised in Protestantism."

It is clear from this that verification is had that G. was brought up in heresy right from infancy.

14) She had been certainly baptized in the Catholic Church. This is proved from a certain and authentic document that her baptism took place on "the 18th of February, 1920, at Charity Hospital, Lyons."

15) Finally, there is the requisite that G. was born of "one or other" non-Catholic.

However, certitude cannot be had that her father, at least, fulfilled this condition and, as a result, G. is not exempt by law from the canonical form of marriage.

As regards her mother, it is certain, the judges believe, that the mother of G. was a Catholic. There is proof "that infants never were nor are baptized without the authorization of their mother." Indeed, it is certain that a non-Catholic mother would not have allowed baptism in the Catholic Church: for at least at this time both Protestants and non-believers would not have permitted baptism in the Catholic Church. Actually, at this time at least, the opposition on the part of both Protestants and atheists was such that they would not have tolerated the conferral of baptism on their children, especially at L., where the Catholic faith was recognized by almost all.

16) As a result, it remains that the father of G. would have to be now-Catholic in order that the law of exemption from the canonical form could be applied to her marriage.

However, just as little is known about the mother of G., still less is known about her father. Was he a Catholic? Was he a non-Catholic? His religion is unknown just as he himself remains unknown.

Since certitude cannot be had regarding the reason because of which exemption from the canonical form is had, it follows that the principle on which it is based, stands: "The following persons are obliged to observe the form above described: *All who are baptized in*

the Catholic Church. . . if they contract marriage with non-Catholics, either baptized or not baptized" (can. 1099, §1, 2°).

17) To be sure, it can be objected, as was done by the defender of the bond who appealed according to his conscience, that "a doubt" is had and remains regarding the non-Catholicism of G.'s father.

However, as has just been noted, it is very likely that the father of G. was Catholic since at that point in time, namely, around 1920, this city of L. was mostly Catholic and no Protestant or atheistic center was present there.

Therefore, there is nothing at hand except the slightest doubt about that non-Catholicity and that doubt can be spurned as observed by Card. D'Annibale *{Summula Theologiae Moralis,* t. 3, Rome, 1908, p. 406, n. 478) referring to *c. Inquisitioni* (X, 5, 39, 44), at the same time that it is still asserted in a decision *coram* Lega on 5 July, 1910: "Also in a doubt whether a marriage is valid, especially a doubt of fact, proof to the effect of upholding the nullity of a marriage can be admitted more easily" *(S. R. Rotae Decisiones,* t. 2, p. 244, η. 11).

For the rest, as has been noted above, if the exemption is not proved with certainty, the principle stands in accord with can. 19, namely, the necessity of the canonical form for all who have been baptized in the Catholic Church even when celebrating marriage with non-Catholics.

18) Nevertheless, verification of the reason for the law in the instance is urged, namely, upbringing received in heresy right from childhood.

However, it can be easily replied that this is not altogether true. For, as the well-known adage has it: "the reason for the law is not the law," and, consequently, the reason must not be extended beyond the case determined by the law, and that all the more because in the instance there is present an exception to the general law regarding the required canonical form for every person baptized in the Catholic Church (cf. can. 19).

From another angle, as has been noted in the section on the law, the traditional rule was this one asserted by the objector, namely, upbringing in heresy right from childhood, but the *Code* demands not only upbringing in heresy as heretofore, but *also demands* at least one non-Catholic parent. In the instance, however, altogether certain proof of one or other parent being non-Catholic is lacking. Indeed, if the father were such – for the sake of a hypothesis proposed but not granted – such a non-Catholic father would actually have had no influence on G. since she had been turned over to

"public aid." Moreover, lack of the above-mentioned influence of die father is had against the evident presumption of the very law of canon 1099, §2 and it is known from common teaching that if the presumption of fact is not had, the law itself is not had, as has been noted in the section on the law.

It is evident, therefore, that the reason for the law is not verified in the instance and, as a result, the law must not be applied in the above-mentioned case as Fr. Creusen has noted in the place referred to in the section on the law.

It stands, therefore, that, since the reason for exemption in the case has not been proved, the rule of canon 1099, §1, 2° remained and G. was subject to the obligation of canonical form.

19) In view of all these considerations, . . . we declare and definitively render sentence, responding to the proposed question: *hi the affirmative, that is, there is proof of nullity of marriage in the instance.*

(Private); Rota, decision *coram* Lefebvre, 11 Dec., 1971 ; reported in *Momt. Eccles., 97* (1972),! 94-199.

CANON 1100

New Marriage Rite Promulgated (S. C. Rit., 19 Mar., 1969) Private.

In accord with the decree of the *Constitution on the Sacred Liturgy,* a revised rite of celebrating matrimony has been prepared by the Commission on the Implementation of the Constitution on the Sacred Liturgy so that the rite may be richer and may more clearly signify the grace of the sacrament and inculcate the responsibilities of the spouses. The Supreme Pontiff, Paul VI, has approved the said rite by his apostolic authority and has ordered that it be published. Wherefore, by7 special mandate of the Supreme Pontiff, this Sacred Congregation of Rites promulgates the rite and decrees that it be used from the first day of July, 1969.

All things to the contrary notwithstanding.

From the offices of the S. Congregation of Rites, the 19th day7 of March, 1969, the solemnity of St. Joseph, spouse of the Blessed Virgin Mary.

(Private); S. C. Rit., Decree, 19 Mar.. 1969, Prot. N. R 23/969; reported at head of new marriage ritual. Annotations in *Epbent. Liturg.,* 83 (1969), 251-277 (Mazzarcllo).

CANON 1102

Mixed Marriage: Liturgical form. *See* c. 1061; Paul VI, *motu proprio,* 31 March, 1970, n. 11.

CANON 1103

Recording: Mixed Marriage. *See* c. 1061; Paul VI, *motu proprio,* 31 March, 1970, n. 10.

CANON 1109

Mixed Marriage in Non-Catholic Church (S. C. Doct. Fid., 9 Aug., 1967) Private.

In reply to a Catholic bishop who asked about permission for a mixed marriage to take place before a Catholic priest but in a non-Catholic church, the Sacred Congregation said that "it does not permit a Catholic priest to assist at a marriage between a Catholic party and a non-Catholic party in a non-Catholic church. However, it is not ruled out that the same case may at a future date be submitted for examination if such examination is requested by the Ordinaries."

(Private); S. C. Doct. Fid., Reply, 9 Aug., 1967, Prot. N. 2133/67, a copy of which was kindly sent us by the General Secretary of N.C.C.B.

Permission for Mixed Marriage in Catholic Church Before Minister Refused (S. C. Doct. Fid., 3 Sept., 1968) Private.

In your letter of 1 July, 1968, Your Excellency requested a dispensation from the canonical form of marriage together with a dispensation from mixed religion and disparity of cult, *ad cautelam,* to be contracted between *N.N.,* a Catholic woman, and *X.X.,* a non-Catholic man. The parties have already made the canonical promises and ask that *the marriage ceremony take place in a Catholic church but with the assistance of the non-Catholic party's father who is a Lutheran minister.*

I inform you that this Sacred Congregation, after having duly examined all the circumstances, has decided that the requested favor cannot be granted. In this matter *there has never been an exception* to the present time, even though very many like petitions have been

made. If need be, Your Excellency can dispense from the canonical form *so that the parties can contract marriage in a non-Catholic cburcb* before a non-Catholic minister.

(Private); S. C. Doct. Fid., Reply, 3 Sept., 1968, Prot. N. 3218/68m, a copy of which was kindly sent us by the General Secretary of N.C.C.B.

CANON 1113

Married Life: Paul VI, allocution to the Teams of Our Lady (Equipes Notre Dame) on Christian witness in, 4 May, 1970 (AAS 62-428). Eng. version in *T.P.S.,* 15 (1970), 119-128.

CANON 1116

Legitimation of Children: Provision for, in case of priest reduced to lay state. *See* c. 214; S. C. Doct. Fid., 13 Jan., 1971, procedural norms, η. V, 1).

CANON 1118

Dissolubility and Nullity: Doctrine and procedure in Dutch tribunals. *See* c. 1013; Sig. Apost., 30 Dec., 1971.

CANON 1119

Delegation to Dissolve Marriage in Favor of the Faith Denied (S. C. Doct. Fid., 18 Dec., 1968) Private.

In your letter of 7 November, 1968, Your Excellency, in the name of the episcopal conference of your nation (Antilles], requested "that the local Ordinaries of this Conference be authorized to grant a dissolution of the marriage bond in all 'Favor of the Faith' cases which are certain as to facts and merit."

In this regard I inform you that, since up to the present no innovation has been introduced in this matter which pertains to the power of the Supreme Pontiff, this Sacred Congregation maintains that the above-requested favor cannot be granted.[1]

(Private); S. C. Doc. Fid., Reply, 18 Dec., 1968, Prot. N. 5245/68m; copy of original document kindly sent us by Rev. M. B. Walsh, S.J., Chancellor of the Kingston Archdiocese.

[1] *See Canon Law Digest,* 5, p. 533, Holy Office, 12 July, 1960.

Nonconsummation Dispensation Granted After Unusual Summary Procedure (S. C. Sacr., 26 June, 1969) Private.

Case. Joseph F., a non-practicing Catholic widower, married Helen Bu., a Catholic widow, 24 January, 1959, *coram Ecclesia.* Joseph had been born 10 March, 1892. Although baptized a Catholic in infancy in Bohemia, he fell away from the Church in his teen-age years at the time his family emigrated to America. He married *extra Ecclesiam* in 1922, and his wife died in 1958.

Helen Bu. was born in 1882 and was baptized a Catholic in infancy. She had married in 1903 and her husband died in 1953.

Joseph and Helen Bu. met each other for the first time at a Golden Age party four days before their marriage. They lived together only four days and Helen left Joseph, indicating that she could not live without her children.

Joseph came to the Chancery Office on 15 March, 1968, hoping to marry another Catholic widow. The chancellor spoke to him and submitted a petition to the tribunal on Joseph's behalf, seeking a dispensation of the marriage of Joseph and Helen on the grounds of nonconsummation.

The officialis, defender of the bond, and actuary consulted with the Most Reverend Ordinary. It was agreed that in view of the advanced age of the parties, the following procedure would be followed: secure the deposition of the *pars conventa* under oath instead of the usual extrajudicial interrogatory; secure the deposition of the petitioner under oath; forward the acts and documents to the Holy See with the votum of the Ordinary; and petition for a dissolution of the marriage on the grounds of nonconsummation.

The very brief deposition of the *pars conventa* Helen was secured 6 April, 1968. She indicated that the marriage lasted two weeks (the petitioner had claimed four days); that she separated from Joseph since she could not live with him; that the marriage was never consummated; and the reason for the nonconsummation was that Joseph asked for abnormal relations.

The deposition of the petitioner Joseph was secured 18 April, 1968. He again affirmed that the marriage lasted but four days; that Helen left because she could not live without her children; that Helen saw a priest who secured permission for her to live separately; that the marriage was not consummated because Helen told him that her vagina was too small; and that he found this hard to believe because she had children from her first marriage. When confronted with Helen's remark that he wanted abnormal relations, Joseph re-

spondcd: "Helen is a very fat woman and I could not hope to achieve penetration in what might be considered a normal position for intercourse. Hence I had hoped to achieve penetration in a manner that would be more suitable to both of us. She may have interpreted this as a request for unnatural relations, but I did not attempt unnatural relations. She would not let me continue any of the attempts at consummation."

The case was forwarded to Rome with the votum of the Ordinary.

Votum Episcopi. We are making a very unusual request, one we have never made before. However, in view of the circumstances, we respectfully ask that it be given special consideration.

Joseph F., petitioner, now 76 years of age, was born in Bohemia and baptized a Catholic there. However, through no fault of his own, his religious education was neglected; his parents became careless in their practice of Catholicism. Joseph always considered himself a Catholic but he attempted marriage with Helen Br., non-Catholic, outside the Church in 1922. Helen died in 1958.

In 1958, Joseph met and courted Helen Bu., *pars conventa,* a widow, who had five children by her first marriage, all of whom have been baptized and reared Catholic. After a brief courtship, Joseph and Helen married in JV.JV. Church, Cleveland, on 24 January, 1959. Both intended a permanent union. However, four days after the marriage, Helen left Joseph, and on 9 Feb., 1959 she approached her pastor, Msgr. H., now deceased, with a frantic request for ecclesiastical permission to live apart from Joseph. She told Msgr. H. that it was impossible for her to live with Joseph, that their troubles began the night of the marriage, that "his physical demands were too much, and wanted in ways I could not consent to." She added that she was so disappointed and ashamed that she did not know what had happened to her. Joseph tried to persuade her to return to him but to no avail.

Permission was given to Helen to live apart from Joseph, so she could return to the sacraments; she was a weekly communicant. Joseph had the marriage annulled by the civil court on the grounds of nonconsummation on 30 June, 1959. (The civil court uses the legal expression "pretended marriage" in annulling marriages which have not been consummated).

On 15 March, 1968, Joseph came to our Chancery Office, requesting permission to contract marriage with Anna, a very practical Catholic, who has been widowed twice. Joseph explained that his marriage to Helen had never been consummated. Our Vice-Chancellor told him of the time clement involved in processing such cases of

"ratum non-consummatum." Joseph could not understand why there should be such a delay and threatened to attempt marriage with Anna, although he did not relish the idea of taking her "away from the Church." However, Anna prevailed upon him to have the Church clear the way so they could be married properly.

Helen Bu., *pars conventa,* was then interviewed by one of our priests. She freely admitted that her marriage to Joseph had never been consummated "because he did no want *normal* relations." Joseph was summoned to explain what she meant by that. His explanation is most plausible — at the time of their marriage. Helen was too stout for him to atempt consummation "in positione normali" and, consequently, Helen may have interpreted his overtures as requests for relations "in modo unnaturali" — so she would not allow him to try.

Helen is now 87 years of age and sickly. It would upset her terribly to be cross-examined in greater detail, in accordance with the usual norms for processing such cases. We are convinced of the non-consummation of the marriage and that Helen would not have left Joseph four days after their marriage if there had not been this misunderstanding in regard to Joseph's intentions, although Joseph also indicates that Helen told him she could not live without her children (by her prior marriage). Msgr. H.'s evaluation of Helen reveals that she was a devout Catholic and "might go crazy" without the sacraments.

Ordinarily, we would petition the Holy See for the faculty to instruct the process and then proceed with the investigation in accordance with procedural law. However, since Joseph has now indicated a desire to take instructions and return to the full practice of the faith if he can be given permission to marry Anna, and since zXnna's good influence on him has been demonstrated by their regular attendance at Mass, we respectfully ask that Joseph be granted a dispensation from his marriage to Helen on the grounds of non-consummation and on the strength of the evidence we arc submitting.

We anticipate no scandal in the event this unusual request is granted. None of the parties involved is prominent. We believe that if a dispensation can be granted now, Joseph will be a practical Catholic with the help of Anna, whose stepson is a priest.

S. C. Sacr. (7 Sept., 1968): Relative to this matter, I inform you that this Sacred Dicastery cannot seek a dispensation from the Supreme Pontiff unless the nonconsummation has first been proved from the acta.

I herefore, I ask Your Excellency please to instruct the process in

accord with the faculty herewith annexed, at least as regard the essentials, and then transmit all the acta to us together with the animadversions of the defender of the bond and the votum of the bishop on the truth of the matter.

Bishop (6 Nov., 1968): On 17 June, 1968, we sent to the Sacred Congregation the depositions of the parties and other documents which convinced us of the nonconsummation of Joseph F.—Helen Bu. marriage.

Due to the advanced age of the parties – Joseph is 76 and Helen 87-and due to Joseph's intention of taking instructions for the purpose of returning to the practice of his faith if permission would be given him to marry Anna, Catholic, we asked for a dispensation of the F-Bu. marriage without fulfilling the time-consuming steps in (he ordinary process of such cases.

On 7 September, 1968, the Sacred Congregation instructed us to conduct the process, because our Holy Father could not be asked to dispense from the evidence we submitted. Accordingly, we conveyed this information to the Petitioner. His reply, on 24 October, 1968: "I married Anna on 17 July, in the presence of Judge N.N. in Cleveland. I don't feel that anything should be done (regarding processing F-Bu. case—I- C.G.I.). Helen Bu. is very sick and something may happen to her. Since I am 76 and Anna is 75, we can't wait the three years it would take. So drop (abandon) the case for the present."

/Accordingly, we shall take no action on the faculty granted us to instruct the process.

S. C. Sacr. I inform Your Excellency that His Holiness, Pope Paul VI, as is evident from the authentic copy of the rescript accompanying this letter, in the audience on 16 June, 1969, deigned to grant the favor of dispensation for the marriage entered into by Joseph F. and Helen Bu. of the Diocese of Cleveland because it was a sacramental, non-consummated marriage.

Consequently, Your Excellency should take care *as soon as possible* to order that, in accord with n. 106[1] of the *Regulations* issued by this Sacred Congregation on 7 May, 1923, a notation be made in the marriage and baptismal registers that this kind of dispensation has been obtained.

At the same time, Your Excellency should not fail to inform the above-mentioned man and woman regarding the said apostolic grant.

(Private); S. C. Sac., rescript, 26 June, 1969, Prot. N. 1665/68; summary of case and copies of the related documents kindly sent us by the Rev. E. J. Luca, Vicc-Officialis.

Note No explanation of any kind whatever was sent with the dispensation.

[1] *Canon Law Digest,* 1, p. 792.

Nonconsummated Marriage: Emended norms of procedure. *See c.* 1963; S. C. Sacr., 7 March, 1972.

CANON 1127

Privilege of the Faith Case Involving Invalid Baptism (S. C. Doct. Fid., 6 April, 1966) Private.

Case. H.B.C., an unbaptized man, married B.C.J., a baptized Protestant woman, on the 13th day of May, 1943. Because of the shortage of housing, he was obliged to live with his mother-in-law who considered herself to be a religious person. She was opposed to the marriage because II.B.C. was unbaptized. From the moment they began to live with the mother, she began to harass him because he was not baptized. Her attitude created much tension in the home. H.C., wishing to be relieved of this harassment, while on his way home from work one evening, stopped at the Protestant church to which his mother-in-law belonged and requested the pastor that, he be baptized. H. B.C. had no religious instructions either in childhood or adolescence or prior to his marriage. Nevertheless, the pastor, without giving instructions, took him to the baptistery and baptized him. He continued to live with his wife until 1960. H.B.C. petitioned for a Privilege of the Faith on the grounds that he was forced into this baptism. He claimed he had no knowledge of the purpose of baptism except that it was to give a name to the child.

Reply. The new acts of the process in the case for dissolution, in favor of the faith, of the marriage contracted between H.B.C., who is alleged to be invalidly baptized, and B.C.J., a baptized non-Catholic, have been duly received at this Sacred Congregation.

In this regard, I inform you that the Eminent Fathers of this Sacred Department, in their plenary session of 9 March, 1966, after having subjected the acts to mature examination, have decreed: "Proof is had of the invalidity of the baptism."

His Holiness, in the audience granted to the undersigned on the 11th day of March of this year, graciously conceded dissolution, in favor of the faith, of the marriage mentioned above.

(Private), S. C. Doct., Fid., Reply, 6 April, 1966, Prot. N. 12/1964/M; summary of case and copy of the original reply kindly sent us by Rev. P. D. 1 almitcssa, secretary of the tribunal of the /Vchdiocese of St. Paul-Minneapolis.

Privilege of the Faith Cases: Conversion Absolutely Required (S. C. Doct. Fid., 7 April, 1970; 26 May, 1970; 26 June, 1970; 16 Dec., 1970; 23 Feb., 1971 ; 9 March, 1971 ; 20 March, 1972) Private.

Following is a series of replies from the S. C. for the Doctrine of (he Faith in P-F cases reversing the practice of earlier years regarding dissolution of the natural bond of marriage *without* conversion being an absolute requirement.

I

The acts of the case of the marriage of A-T sent to obtain a dissolution of the marriage in favor of the faith have duly arrived at this Sacred Congregation.

After having subjected the said acts to mature examination, this Sacred Department has decided it must reply;

"Since a favor of the faith is lacking because of lack of conversion of the petitioner, the favor of dissolution cannot be granted."

The case was resubmitted with a strong appeal by the Cardinal Archbishop of Chicago but identically the same reply as above was returned with the only difference being that the first was signed by the secretary of the Sacred Congregation whereas the second was signed by its prefect.

(Private); S. C. Doct. Fid., reply, 7 April, 1970, Prot. N. 2440/69m: 26 May, 1970, same Prot. N.

II

Case. /X Catholic woman married a non-Catholic man with a dispensation from disparity of cult. The marriage broke up and the Catholic now desires to have the natural bond of marriage dissolved in favor of the faith.

Reply. The acts of the process in a case of dissolution, in favor of the faith, of the marriage of T-D have duly arrived at this Sacred Congregation.

After having subjected the acts to mature examination, this Sacred Department has thought it must reply:

*Cf. *Canon Law Digest,* 5, pp. 540-541, 542-546; 6, pp. 645-646. 649, 660; *Jurist,* 25 (1965),45 3-465.

"Since in the case there is lacking a favor of the faith in the strict sense, i. e., conversion of the petitioner to the Catholic faith, which is placed as a necessary condition, as of now it is not expedient that a dissolution of the above-mentioned marriage be granted."

(Private); S. C. Doct. Fid., reply, 10 Dec., 1970, Prot. N. 4671/70.

Ill

Case. A non-Catholic woman married an unbaptized man and now wishes a dissolution of her marriage so that she may convalidatc her second marriage to a Catholic.

Votum Episcopi. It is part of my pastoral duty to recommend most highly to the gentle kindness of Your Holiness, together with the *votum of* the Reverend Officialis of Joliet, the request of the petitioner in the aforesaid case that you deign to grant the petitioned dissolution of the natural bond of marriage in the case of C. J. and a dispensation from the impediments of mixed religion and, as a precaution, of disparity of cult in favor of the faith of W. B., her Catholic husband, to whom she is civilly married. Although we know of the suspension by the II. See of concession of dissolution in similar cases, nevertheless we are transmitting the case with the hope of obtaining the requested dissolution and dispensation because of the great delay (almost three years) in finding the man who is not baptized and is the defendant, and obtaining his deposition. Except for this delay, the case would have been transmitted a few years ago when the II. See was already considering this type of case.

The reasons for this recommendation arc:

I.Moral certitude regarding the lack of baptism of the man defendant.

II. Moral certitude regarding the absence of scandal.

III.Moral certitude regarding the impossibility of reconciliation because: 1) there is no love between the parties; 2) the parties have been separated for nineteen years; 3) both parties have attempted second marriages.

IV. The spiritual good of the Catholic husband of the petitioner can be obtained by a grant of the favor.

V.The good faith of the petitioner is shown by the fact that she has gone through a complete course in Catholic doctrine.

Reply. The acts of the process in a case of dissolution, in favor of the faith, of the marriage entered into by C. J., a non-Catholic baptized woman, and W. M., who is asserted to be non-baptized, have duly arrived at this Sacred Congregation.

In order that the matter may be decided, Your Excellency will please report whether or not the petitioner wishes to convert to the Catholic religion. Sincere conversion of the petitioner to the Catholic religion is an *absolutely necessary* condition in order that a dissolution of the marriage in the instance may be granted by the Supreme Pontiff.

(Private); S. C. Doct. Fid., reply, 23 Feb., 1971, Prot. N. 6929/70.

IV

Background. In the curia of Rockford the process was drawn up to obtain a dissolution, in favor of the faith, of the marriage contractcd between C. M., a non-Catholic baptized man, and H. L. D., a non-baptized woman.

After having subjected the acts to mature examination and carried out everything that must be carried out in the instance, the question was proposed in this Sacred Congregation: "Should a commendation be made to His Holiness for a dissolution, in favor of the faith, of the marriage mentioned above so that the petitioner, after conversion, may validly and licitly enter into a new marriage in the eyes of the Church with a Catholic party? " Having discussed the matter according co certain established rules, it decreed to reply: *"In the affirmative. "*

His Holiness, Pope Paul VI, on 26 June, 1970, after having reccived a report on the whole matter, graciously deigned to concede the favor in accord with rhe above-mentioned decree.

In the present concession is included also, insofar as necessary, a dispensation from the impediment of crime mentioned in can. 1075, n. 1.

IN VIEW OF THE DIVERSITY OF CASES, THE FOLLOWING MUST BE NOTED.

1. An appropriate penance shall be imposed on the Catholic party who has attempted marriage with a party not yet converted to the faith; the same kind of grave, salutary penance shall be given to each party whenever they shall have attempted marriage after the baptism or the conversion of the party previously non-Catholic.

2. Ihc papal favor must be communicated, if possible, to rhe defendant, especially, of course, if this party has already attempted marriage with a Catholic party.

3. The converted party must be admonished of the obligation to rake care, insofar as it is possible, of the conversion of all the offspring born of the dissolved marriage. If the offspring is still a minor and is being educated in the house of the said party, he/she should be prepared for embracing the faith after suitable instruction. On the other hand, if the offspring has been entrusted to the non-Catholic party, the convert should earnestly care for that party's conversion, insofar as can be done; this obligation will be the more serious the more the offspring is still a minor.

With observance of all the requirements of the law and all things to the contrary notwithstanding.

Given at Rome, the 26th day of June, 1970.

(Private); S. C. Doct. Fid., rescript, 26 June, 1970, Prot. N. 5977/69.

Case. The following presentation of the case was sent to Rome on 10 November, 1970.

In the Tribunal of the Diocese of Rockford, Illinois, a process was initiated in behalf of C. M. to have his marriage to II. D. dissolved in favor of the faith. On 26 June, 1970, His Holiness, Pope Paul VI, dissolved the marriage of C. M. and II. D. in favor of the faith with the stipulation that the petitioner, C. M., become a convert before he enter a second marriage with a Catholic.

While the case was pending at Rome, C. M. attempted marriage with C. S., an unmarried Catholic woman, on 1 November, 1969. Both C. M. and C. S. now reside in the city of X in the Diocese of Joliet.

While preparing the two parties for the rectification of their marriage, Father Y, a priest of the Diocese of Joliet, discovered that C. M. had no desire to become a Catholic. C. M. claims he was not advised by the priest who instructed him that conversion or becoming a Catholic was a requirement for an affirmative answer. The Reverend A. B. C., the priest who instructed Mr. M., sent a letter of recommendation to the tribunal of Rockford, which letter led the Bishop of Rockford to conclude erroneously that Mr. M. desired to become a Catholic. Since Mr. M. has no desire to become a Catholic and since the dissolution has already been granted, I recommend that the necessary dispensation from mixed religion and disparity of cult "ad cautelam" be granted to C. S. to rectify her marriage with C. M. for the following reasons:

1. C. M has shown his good faith by taking a complete course of instructions in the Catholic religion.

2. Conversion on rhe part of Mr. M. as a stipulation for the dissolution was not known to Mr. M.

J. The spiritual good can be obtained for the soul of C. S. by the granting of this dispensation and the eventual revalidation of the civil marriage.

I am enclosing the usual petition and promises for the dispensation from mixed religion and disparity of cult "ad cautelam" with a letter from Father Y. explaining the circumstances in regard to the lack of conversion and giving his reasons for the sought dispensation.

Reply. In your letter of 10 November, 1970, Your Excellency, after having obtained the rescript granted by this S. Congregation on 26 June, 1-970, dissolving, in favor of the faith, the marriage of M.-D with the condition of greatest importance that the petitioner could, *after conversion,* pass to a new marriage with a Catholic, has requested a dispensation from the impediment of M. R. and, as a precaution, of D. C. because the petitioner now does not intend to embrace the Catholic religion.

Relative to this matter, I inform you that this Sacred Department cannot grant the sought-for dispensation. As a result, execution of the above-mentioned rescript of dissolution of marriage must be deferred *until* the petitioner is converted to the true faith. For conversion of the petitioner in an *absolutely necessary condition* in order that, supposing what must be supposed as contained in the instruction of this S. C., 1 May, 1934, the Supreme Pontiff may be able to dissolve this kind of marriage.

(Private); S. C. Doct. Fid., reply, 9 March, 1971. Prot. N. 5977/69.

V

Case. The following presentation was sent to the Holy Sec on 11 January, 1972.

On 24 October, 1964, the Holy Father, under the protocol number 4849/1963/M dissolved the marriage of J. A., unbaptized, and A. W., a baptized Protestant. /\ copy of the rescript is enclosed.

After this rescript was received, J., the petitioner, although he had taken instructions in the Catholic faith, declined, and still declines, to be baptized. He has lived in a civil union with a Catholic, however, since 1962 and has had their children baptized in the Catholic faith. Wherefore:

1. In view of the reply of the Holy Office of 14 January, I960,[2] to the Cardinal Archbishop of Chicago (viz. that at that time baptism was not required for the validity of the subsequent marriage of the petitioner), can it be assumed that the prior marriage of the petitioner was dissolved in spite of his declining to be baptized?

2. If so, faculties are hereby requested to dispense from the impediment of disparity of cult to enable him to revalidate his marriage to a Catholic.

3. A further question: If A. W., the defendant, a baptized Protestant, wishes to marry a Catholic, may the local Ordinary dispense from the impediment of mixed religion without further recourse to the Sacred Congregation for the Doctrine of the Faith?

Reply. In your letter of the 11th of January, 1972, Your Eminence, after having obtained the rescript Prot. N. 4849/63 granted by this Sacred Congregation on 19 October, 1966, with the condition of greatest importance that the petitioner *after baptism* could be admitted to convalidation of his union with a Catholic woman, requested a dispensation from the impediment of D. C. because the petitioner *now* does not wish to convert to the Catholic religion.

Relative to this matter, I inform you that this Sacred Department cannot grant the sought-for dispensation.

As a result, execution of the above-mentioned rescript of dissolution of marriage must be deferred until the petitioner is converted to the true faith. For the *sincere conversion* of the petitioner is an *absolutely necessary condition* in order that, supposing what must be supposed as contained in the norms of the instruction of this S. C., 1 May, 1934 (a copy of which is herewith inclosed), the Supreme Pontiff may be able to dissolve the marriage of two non-Catholics where at least one of them has not been baptized.[3]

(Private): S. C. Doct. Fid., reply, 20 March. 1972. Prot. N. 4849/63M. Data and documents of cases I and V kindly supplied by the Officialis of the Archdiocese of Chicago; that of cases II. III, and IV by the Officialis of the Diocese of Joliet.

Petrine Privilege: Study of recent cases, in *The Jurist,* 28 (1968), 486-496 (Kuntz).

CANON 1141

Mixed Marriage: Faculty of local Ordinary to grant radical sanation. *See c.* 1061; Paul VI. *moiu proprio,* 31 March, 1970, n. 16.

[2] Reported in *Canon Law Digest,* 5. pp. 535-536.
[3] Cf. *Canon Law Digest,* 5. pp. 543-546.

CANON 1187

Secularization of Ecclesiastical Edifices: Norm of this canon repeated. *See* c. I26I;S. C. Clcr., 11 April, 1971, n. 6.

CANON 1203

Cremation: Survey of practice in 86 dioceses; reported in *The Jurist,* 28 (1968), 257-259.

CANON 1215

Funeral Regulations: Detroit, archdiocese of, 8 Aug., 1969, reported in *Cath.* •Umi/. 67 (Sept., 1969). 6-8.

CANON 1230

Revised Funeral Ritual Promulgated (S. C. Cult. Div., 15 Aug., 1969) Private.

By means of her funeral rites, holy mother the Church is wont not only to commend the deceased to God but also to rouse the hope of her sons and to witness her faith in the future resurrection of the baptized with Christ.

As a result, the Second Vatican Ecumenical Council in its *Constitution on the Sacred Liturgy* ordered that the funeral rites be so revised that they more clearly express the paschal character of Christian death and that the burial rite for children be given a Mass of its own (arts. 81-82).

The Commission for the Implementation of the Constitution on the Sacred Liturgy has drawn up this kind of rite and has subjected it to appropriate experimentation in various regions. The Supreme Pontiff, Paul VI, by his apostolic authority, has finally approved those ritesand ordered that they be published and used in the future by all who follow the *Roman Ritual.*

This Sacred Congregation for Divine Worship, by mandate of the said Supreme Pontiff, is promulgating the *Ordo Exsequiarum* and stipulates that it goes into force from the first day of June, 1970.

It further stipulates that, until the first of June of next year, if the latin language is used in funeral celebrations, either this *Ordo* or the

rite found in the *Roman Ritual* may be used at will. However, as of that date, only this new *Ordo Exsequiarum* should be used.

On the other hand, after the individual episcopal conferenceshave prepared a vernacular translation and have had it confirmed by this Sacred Congregation, they have the authority to set another date, as seems better, prior to the first of June when the new *Ordo Exsequiarum* will go into force.

All things to the contrary notwithstanding.

From the offices of the S. Congregation for Divine Worship, the 15th day of August, 1969, the solemnity of the Assumption of the Blessed Virgin Mary.

(Private); S. C. Cult. Div., Decree, 15 Aug., 1969, Prot. N. 720/69, reported in *Notitiae,* 5 (1969), 423. Following the decree (pp. 424-430) are given the *Praenotanda* relative to this new edition of the *Ordo Exsequiarum.* Annotations in *Notitiae,* 5 (1969), 431-435 (Mazzarello).

Funeral Rite: Lay persons as officiants: the bishops of France were granted the faculty that "if a competent minister is not had, lay persons deputed by the episcopal conference because of pastoral need, may perform the burial rite in accord with n. 19 of the *Praenotanda* of the *Ordo Exsequiarum,"* S. C. Cult. Div., decree, 26 Nov., 1971, Prot. N. 2075/71 reported in *Notitiae,* 8 (1972), 117. The same faculty was granted to the bishops of Mexico, S. C. Cult. Div., decree, 25 April, 1972, Prot. N. 578/72; reported in *op. cit.,* p. 214.

CANON 1240

Burial Practices: Survey of 86 dioceses on, regarding cremation and ecumenism; reported in *The Jurist,* 28 (1968), 257-261.

Divorced and Remarried: Belgium; pastoral directives for the Christian burial of the, issued by the bishops of Belgium, 25 Sept., 1972; reported in *Doc. Catb.,* 69 (1972), 982.

CANON 1247

Holy Days Transferred to Sunday: S. C. Kit., declaration on adaptations called for in Mass and breviary in countries where the feasts of Epiphany, Ascension and Corpus Christi are not holy days of obligation and are transferred to Sunday, 18 Oct., 1968-, reported in *Notitiae,* 4 (1968), 279.

CANON 1248

Anticipation of Sunday and Holyday Mass (S. C. Clcr., 10 Jan., 1970) Private.

The Sacred Congregation for the Clergy granted the request of the National Conference of Catholic Bishops (U. S. A.) that the faithful,

where in the judgment of the Ordinaries it is pastorally necessary or useful, may satisfy the precept of participating in Mass in the afternoon hours of Saturday and the days before holydays of obligation. The induit, for a period of five years, is granted to local Ordinaries and is to be used in accord with n. 28[of the instruction on the Eucharistic Mystery (S. C. Rit., 25 May, 1967).

(Private); S. C. Cler., induit, 10 Jan., 1970; reported in *Newsletter Bps. Com. Lit.,* 6 (April-May, 1970),!.

CANON 1250

Law of Abstinence in Ireland (Irish Episc. Conf., 3 July, 1970) Private.

The following statement was issued by the Irish Episcopal Conference.

As from tomorrow the only days in the year on which meat will be forbidden will be Ash Wednesday and Good Friday.

We are aware that many Irish Catholics will be saddened by this decision, for historical as well as religious reasons.

We ourselves share this regret. We have come to our decision only because it has become more and more difficult to retain here a law of Friday abstinence which no longer binds in so many other countries.

Needless to say, the basic Christian duty of penance and self-denial remains. The difference is that in future Catholics will have to make up their own mind as to how they will fulfill that duty.

We sincerely hope chat a great number of Irish Catholics will continue to observe Friday abstinence as a purely voluntary penance. This has happened to a considerable extent in other countries, and it will be surprising if it does not happen also in Ireland, where the tradition of penance for the love of Christ is so strong.

Whether we continue to observe Friday abstinence or not. however, the obligation to do penance remains. We may decide to make personal sacrifices in the matter of food, or alcoholic drink, or smoking or amusements – perhaps giving what we thereby save for the relief of the needy at home or abroad. We may choose the

^*Canon Law Digest,* 6, p. 533.

sacrifice involved in special service to the poor, the sick, the old or the lonely - or the special effort which is often involved in the practice of daily Mass, daily visits to the Blessed Sacraments or the Stations of the Cross.

What we have got to remember is that we must practice some form of penance if we are to be true to the spirit of Christ.

We arc confident that the Irish people as a whole will take this obligation seriously and we would suggest that each person should now decide for himself some form of penance for each Friday, in memory – as was Friday abstinence – of the passion and death of Our Lord.

(Private); Irish Episc. Conf, norms, 3 July, 1970; reported in *l-'urrow,* 21 (1970), 533-534.

CANON 1258

Dialogue With Non-Believers (Sec. Non-Crcd., 28 Aug., 1968) AAS 60-692.

'fhc present document which is now being made part of public law by the Secretariat for Non-Believers has as its purpose, in keeping with the character* of the Secretariat, to promote dialogue between believers and non-believers and, in accord with the true nature of dialogue, to bring it to a happy outcome. As a result, there arc considerations for the correct explanation of the nature of dialogue as it is distinguished from other types of interchange between believers and non-bcllevers. At the same time, the essential conditions for dialogue arc set forth and the principal norms which flow therefrom are proposed.

Although dialogue as this term is understood in this document, does not necessarily pursue an apostolic purpose, nevertheless, for

•"The Secretariat for Non-Believers is presided over by a cardinal president with the assistance of a secretary and an undersecretary. It is made up of cardinals and bishops named by the Supreme Pontiff. To these are added consultons from all over the world.

"With the approval of the Supreme Pontiff, the Secretariat applies itself to the study of atheism in order to explore the various aspects more thoroughly and. insofar as possible, to establish dialogue with those non-believers who sincerely wish to collaborate." Apost. Const., *Regimini licclesiae universae,* nn. 101-102, reported in *Canon Law Digest,* 6, p. 350.

Christians it does include bearing witness to their faith and, as a consequence, in its own way, it belongs to the Church's mission to preach the gospel. Moreover, from dialogue with non-believers, it should somehow come about that the faithful arc led on not only to a fuller recognition of human values but also to a better understanding of matters which concern religion.

This document is primarily directed to Christians. As a result of this approach, it borrows heavily from ecclesiastical documents which touch upon our topic, but it so discusses dialogue matters that they can also be understood and accepted by non-believers.

DIALOGUE WITH NON-BELIEVERS

Introduction

1. Due to the general progress of human culture and society, and despite the anxieties about the present-day evolution of the world, men today are daily deriving a deeper appreciation of the dignity and worth of the human person.

In fact, the increased interchanges between men have greatly conduced to the acceptance by mankind of the concept of "pluralism," as it is called, and to the recognition of it as a characteristic of our age. On the other hand, there cannot be true pluralism unless men and communities of different temperaments and culture engage in dialogue.[1]

As we read in the encyclical, *Ecclesiam suam:* "[Dialogue] is certainly demanded, first, by the custom, which is now widespread, of thus conceiving the relationships between the sacred and the profane: secondly, by the dynamic course of action which has so greatly changed the complexion of human society in our day; thirdly, by the many expressions of that society, and, finally, by the maturity to which the man of our time has attained. Whether a man cultivates religion or rejects it, he is nevertheless rendered competent by his secular education to think, to speak, and to carry on dialogue with dignity."[2]

[1] Pastoral const. *Gaudium et spes,* nn. 43,3; 76,1; 92,2; Dedar., *Gravissimum educationis,* n. 6,2 ; cf. also encyc. *Populorum progressio,* η. 39.

[2] AAS, 56 (1964), 644; cf. also past, const. *Gaudium et spes,* η. 6.

Wherefore, inasmuch as dialogue rests on the mutual relationship of the participants, it implies that each one recognize the dignity as well as the worth proper to the other party as a person.

Christians, on the other hand, can find in man's supernatural vocation a richer basis for giving recognition to this worth and dignity. Moreover, in view of the mystery of the incarnation, the Church is not unaware how important and, indeed, how much a part of her mission it is to bring about a more human temporal order.3

All Christians must, then, strive to promote, in what way they can, dialogue between men on every level and do this as an expression of fraternal love conducing to our advancing and adult times.

As the Second Vatican Council declares: "By virtue of her mission to shed on the whole world the radiance of the gospel message and to unify under one Spirit all men of whatever nation, race or culture, the Church stands forth as a sign of that brotherliness which allows and invigorates honest dialogue.4

It goes without saying that the scope and decision to dialogue does not exclude other forms of communication such as, among others, apologetics, confrontation, discussion, nor does it prohibit vindication of the rights of the human person. Nevertheless, in general, an open mind and an understanding disposition which constitute, as it were, the basis of dialogue, are required for every kind of social relationship.

Such a frame of mind, of course, demands that one "act courteously, highly esteem others, and manifest towards others understanding and kindness."5 These qualities cannot be realized unless the other party is freely recognized and accepted for what he is.

Finally, willingness to engage in dialogue is but an aspect of and a kind of dynamism effecting that general renewal in the Church which also calls for a deeper appreciation of freedom. "Truth," as the Second Vatican Council teaches, "is to be sought after in a manner proper to the dignity of the human person and to his social nature, namely, by free inquiry and with the aid of teaching or instruction, communication and dialogue whereby persons explain to one another the truth they have discovered or think they have discovered so that each may help the other in the search for truth. Moreover, when the truth is learned, it is to be adhered to by a personal assent.6

3Cf. decree, *Apostolicam actuositatem,* n. 7.
4Past, const., *Gaudium et spes,* ɳ. 92.
5 Encyc. *Ecclesiam suam,* n. 46.
6Declar. *Dignitatis humanae,* n. 3.

2. /Xs we read in the pastoral constitution on the *Church in the Modern World,* "The desire for such dialogue which can lead to truth through charity alone, excludes nobody as far as we are concerned, although an appropriate degree of prudence must, of course, be exercised."7

The encyclical, *Ecclesiam suam,* lays out three concentric circles, as it were, each smaller than its outer neighbor, to illustrate the three types of participants: first, all mankind among whom not a few practice no religion; secondly, those who profess religions which are not Christian; and, finally, our Christian brothers who are not Catholics. In order to set up dialogue with these three classes of interlocutors, Paul VI has established three Secretariats: the Secretariat for Christian Unity, the Secretariat for Non-Christians, and the Secretariat for Non-Believers.

The initiation of dialogue, however, especially with non-believers, gives rise to particular problems which are to some extent, at least, new.8 Similarly, in some undertakings and experiments to promote dialogue, Catholics may experience certain difficulties in their concern, as is proper, to protect the truth and values of the Christian faith. Because of this situation, the Secretariat for Non-Believers, basing itself on documents issued by the papal and conciliar magisterium, wishes to propose some thoughts and directives.

In his encyclical. *Ecclesiam suam,* Paul VI has given a lengthy and broad exposition of the apostolic aspect of dialogue. By means of dialogue thus understood, the Church discharges her special mission of preaching the gospel message to all mankind while, filled with respect and love, she offers them the gift of grace and truth over which she has been constituted trustee by Christ.

In the pastoral constitution, *Gaudium et spes,* on the other hand, there is question rather of dialogue on the part of the Church with the world. This type of dialogue is not directly concerned with proclaiming the gospel. Rather, it is a matter of dialogue which Christians intend to establish with men who do not share the same faith, either to collaborate in searching out the truth in different fields, or, by mutual endeavor, to solve the more urgent problems which face us today. It is with reference to dialogue thus understood between the Church and the world that the following considerations are proposed.

7Past. const. *Gaudium et spes,* η. 92.
ta, η. 19.

I

THE NATURE AND CONDITIONS OF DIALOGUE

1. Dialogue In General

By the term, *dialogue,* it is here generally understood to mean every form of encounter and communication between persons or groups and communities with the aim of achieving a deeper comprehension of the truth or better human interchange in a spirit of sincerity, respect for persons, and mutual trust.

Dialogue is of greater importance and is more complex, of course, when it takes place between persons of differing and, at times, opposing opinions who are striving to dispel their mutual, prejudiced opinions and, in as far as possible, to enlarge their areas of agreement, whether this pertains to simple interchange between men, or also to the search for truth, or to collaboration in any field of endeavor whatever.

To be sure, all these elements are present in every one of the forms of dialogue but, insofar as one or other element gains preponderance, it is proper to distinguish three basic types of dialogue, namely:

— encounter on the plane of simple human relations, intended to draw the participants out of their isolation and mutual distrust and to create an atmosphere of deeper "sympathy" as well as of mutual respect and esteem.

– encounter on the level of search for truth, intended to treat issues which are of the greatest importance for the very persons involved and, by mutual endeavor, to strive to attain a deeper comprehension of the truth as well as a fuller knowledge of reality.

encounter in the sphere of action, intended to establish conditions for the attainment of definite, practical objectives, despite doctrinal differences.

Although it is desirable that dialogue be simultaneously developed on these three levels, nevertheless each type has its own distinctive value inasmuch as each sets up an interpersonal encounter.

Every form of dialogue, inasmuch as the participants each give and receive, implies a certain "reciprocity." Hence, it differs from teaching whose function it is to enrich the participating student. And yet, since dialogue can confer the benefit of learning on the general public, it can be said to be a kind of real teaching and an implicit proclamation of the gospel truth as such.

.Moreover, dialogue, as it is here understood, differs from polemics and controversy since their proper functions are to defend one's position and to demonstrate the other party's error.

Furthermore, dialogue does not consist simply in a confrontation because the function of dialogue is to bring both parties closer together and to effect better mutual understanding. Finally, even though each participant may lawfully hope to persuade the other party of the truth of his own view, still dialogue is not of its nature directed toward the attainment of this purpose but toward mutual enrichment.

2. Doctrinal Dialogue

1. *Possibility and Legitimacy of This Type of Dialogue*

The very possibility of doctrinal dialogue is often questioned. It is asked whether in order to have sincere dialogue it is necessary to set aside all absolute truth and whether in order to have open dialogue an attitude of endless questioning is requisite. It is further asked whether, if one admits absolute truth, he can harmonize dialogue with his conviction that he possesses such truth because to engage in dialogue seems to require an attitude of doubt about absolute truth.

Moreover, is it possible to initiate dialogue if the participants start from two different systems of thought? If every form of affirmation derives its real meaning only by referral to the complete system of thought, is there real room for dialogue if the discussion is to start from two different systems of thought?

Again, an analysis of the notion of truth as many today conceive it, shows that for them truth is immanent in man himself and depends on man and his liberty to such an extent that there cannot lx· any truth which does not take its rise from man himself. Consequently, doctrinal dialogue is devoid of a foundation since Christians reject the principle of immanence and fashion for themselves a totally different concept of truth.

Furthermore, as regards public dialogue, it is asked whether it is allowed to endanger the faith of a group which is not adequately prepared for controversy.

In view of these difficulties, we wish by the following remarks to suggest certain avenues for handling them.

Doctrinal dialogue must start with courageous sincerity and a very great sense of liberty and respect. It treats of doctrinal issues which

in some way affect the disputants themselves. It takes place between participants who, though differing in thought, strive by mutual endeavor to acquire a better understanding of one another, and to discover their points of agreement and, as far as is possible, to enlarge them. In this way it can happen that the participants can provide mutual enrichment.

Therefore, from one aspect, dialogue requires attention to the personal nature of attainment of truth. As a result, account must be taken of the situations of each individual person, the special circumstances of each one of the participants, as well as the limitations under which the individual participants are restricted in their quest for truth. Awareness of these limitations, whether they affect individuals or historical communities, will expand hearts to weigh the opinions and efforts and to embrace the elements of truth in each one's opinion.

From another aspect, however, insofar as dialogue consists also in a search for truth, it is without meaning unless the participants maintain that the human mind as such attains objective truth at least to some extent and that it can always grasp some part of that truth, even if it have an admixture of error. Finally, every individual, since he is able to lay hold of reality in his own unique way, provides assistance in the pursuit of truth and the others should give attention to it.

Consequently, that truth is possible is not only an assertion consonant with dialogue, but it is also a necessary' condition for it. Therefore, in setting up dialogue there must not be any doubt about truth as though truth were to be subordinated to dialogue as some forms of ironies seem to do. Rather, dialogue ought to spring from the common moral obligation to search out the truth in all things, and especially in what pertains to religious questions.

Moreover, from the fact that each of the participants believes that he possesses the truth, it does not follow that dialogue is useless. This persuasion is not opposed to the nature of dialogue. Indeed, dialogue takes its start from two different positions which dialogue, as a matter of fact, tries to explicate and, inasfar as possible, to draw the two views closer together. It suffices, then, that each of the participants believes that the knowledge he possesses of the truth can be increased through dialogue with the other party.

This attitude must, of course, be adopted and cultivated with all sincerity by believers. The truths of faith, to be sure, inasmuch as they have been revealed by God, are, in themselves, absolute and perfect. On the other hand, they arc always imperfectly per-

ceived by the faithful who can grow through understanding of and meditation upon them. Besides, not everything which Christians hold, derives from revelation. Dialogue with non-believers can help believers to distinguish what derives from revelation from what does not, as well as to examine the signs of the times under the light of the gospel.

In addition, the Christian faith docs not exempt believers from giving consideration, with the help of reason, to the rational presuppositions of their faith. On the contrary, the Christian is driven to embrace whatever is rightly postulated by human reason since his faith itself makes him certain that reason can never contradict his faith. Ultimately, the Christian knows that not all the answer in every discussion can be derived from his faith; but from it he does know in what spirit and by what approach such questions must be discussed, particularly those on the level of temporalities where the door, as it were, stands wide open for investigation.9

Relative to the difficulty which rises out of the internal unity of a system of thought, it must be kept in mind that dialogue is still possible even when the individual participants have agreement on only some points, because, if a certain system contains some truths and values which do not necessarily derive their meaning and importance from the systems as such but can be divorced from it, it is sufficient that these truths and values be set forth in their proper light so that a certain degree of agreement can be achieved.

Even among men separated by radical differences of opinion, there are some issues on which agreement and communication can be found. As a result, with due consideration of the internal unity of the systems concerned, distinction must be made in a discussion of the levels at which dialogue takes place since it can happen that dialogue can take place on one level rather than on another. It should be especially recalled that the sphere of human realities enjoys its own legitimate autonomy[10] and, as a consequence, difference in religious matter does not necessarily preclude some agreement on temporal matters.

9"Certainly in view of the immense diversity of situations and forms of human culture in the world, this program, in very many of tis parts, designedly has nothing hut a general character. In fact, although it presents the teaching already accepted in the Church, it will have to be pursued further and broadened since not rarely it deals with matter subject to constant development." (Past, const. *Gaudium et spes,* η. 91,2).

10*Ibid.*, nn. 36 and 50.

And yet it must not be denied that dialogue can turn out to be rather difficult because of the fact that the participants hold different notions of what truth is and do not agree on the very principles of reason. If this is the case, it will be the primary task of dialogue to attempt to arrive at such a notion of truth and principles of reason that all the participants can accept. But even if this is not possible, it must not yet be said that dialogue has lost all value because it is not a trifling matter that limits have been set beyond which dialogue cannot proceed. After all, it is not necessary to pursue dialogue at all costs.

Again, the risk of altercation can hardly be avoided in the pluralistic society of our day. Consequently, there arises the need to prepare the faithful so that they will know how to meet such a risk, especially in public dialogue. If this sort of dialogue is duly prepared for, it contributes not a little to making their faith more mature. Besides, public dialogue provides the participants with an occasion to propose their belief to an audience which they could not otherwise reach.

Although dialogue between believers and non-believers involves risks, it is not only possible but is to be encouraged. After all, it can be employed in everything which is accessible to human reason, for example, philosophy, religion, morality, history, politics, social issues, economics, art and culture in general. The fidelity which binds the Christian to all spiritual and material values demands that he give them recognition wherever he finds them.[1] Dialogue of this type can also be directed to the values which can flow from truths of the supernatural order for the life and culture of mankind.

2. *Conditions for Doctrinal Dialogue*

It, however, dialogue is to achieve the goals it sets for itself, the norms of truth and freedom must be complied with. Wherefore, it will sincerely search out truth and exclude doctrinal dialogue which appears to be "instrumentalized," as it is commonly phrased, because it is set up to achieve political ends. Again, more frequent difficulties occur in the case of dialogue with Marxists who are adherents of communism because of the tight bond they place between theory and practice. This fact, indeed, makes it quite difficult to keep the levels of dialogue distinct and dialogue which of

[1] *Ibid.*, n. 57.

itself belongs to the doctrinal level is transformed into dialogue on the practical level.

Cultivation of truth further requires that crystal clarity be had in the mutual statement and comparison of each participant's position lest words sound the same but one word used with different meanings by the participants, conceal rather than resolve their differences. This possibility, then, requires that clear understanding be had of the sense in which each participant is using the same words so that, with all ambiguity removed, the discussion may proceed properly.

Doctrinal dialogue demands cheerful readiness both as regards the sincere presentation of each one's position as well as the recognition of truth wherever found, even when the truth so puts a participant in a bind that he himself is forced to revise, at least partially, his doctrinal and practical position.

And yet dialogue will produce no good unless it is prepared for and carried on by truly competent persons. Otherwise the benefits to be derived from dialogue will not balance off the risks which will arise therefrom. Finally, the truth springing from dialogue should not carry the day except in virtue of its own merits.* 2 As a result, the freedom of the participants must be juridically safeguarded and actually respected.

3. *Dialogue in the Sphere of Action*

Dialogue can also aim to set up cooperation between persons or between groups or communities who hold different or even, at times, opposing views.

Note must be taken, however, that sometimes movements which originated from views hostile to the Christian religion can evolve to such a position that they no longer square with their original basis.11 As a matter of fact, as we observed above, differences which lineup systems of thought, considered in their totality, on opposing sides, do not prevent those systems from reaching agreement in some matters. This is especially true of differences in religious matters which do not of themselves preclude agreement on the level of temporalities which, according to the constitution, *Gaudium et spes,* enjoy autonomy in their own sphere.

Even when harmony between doctrinal positions cannot be achieved, it remains possible that mutual agreement may be found

,2Declar. *Dignitatis humanae,* nn. 1 and 3.
13Encyc. *Pacein tn terns,* n. 160;cncyc. *t-xclesiani suant,* n. 58.

relative to some practical objectives. In order that agreement and cooperation may legitimately come about, certain conditions must be met: first, what is proposed for dialogue must be good in itself or reducible to good;[14] secondly, what the participants agree on, must not put in jeopardy greater values such as doctrinal integrity or personal rights like civil, cultural and religious freedom. On the other hand, in order to judge whether such conditions obtain relative to a planned dialogue, attention will have to be given both to what the participants propose to do at the present time and in the future as well as to the experiments carried out in the past.

As a result, whether such cooperation is opportune will have to be decided in the light of the different circumstances of things, places and times. Although the weighing of these circumstances will belong primarily to the laity, nevertheless, the hierarchy, while respecting the legitimate freedom and competence of lay persons, has the task of looking after and intervening whenever there is question of safeguarding religious and moral values.

II

PRACTICAL NORMS

The norms which follow must be considered as corollaries derived from the nature and conditions of dialogue. Necessarily, then, they will be quite general because of the diversity of circumstances of the individual regions as well as because the application of the separate directives to each particular case is left to the prudence of pastors and faithful. To illustrate: a distinction must obviously be made between peoples with a long-standing Christian tradition and those who have not yet heard the gospel message as well as those who, although for the most part they are Christians, are actually being ruled by atheistic governments. Moreover, there is still hope that there will be further experiments which will suggest more appropriate norms for the future. It is the task of the episcopal conferences of each country to adapt these general norms to the local conditions

14Encyc. *Mater et .Magistra,* η. 252.

1. Norms to Promote Dialogue

In the light of the Second Vatican Council, it is desirable that public opinion in the Church be awakened to the extremely great opportunity for setting up dialogue.

1. In the education and formation of clerical students, it is necessary that they be so steeped in philosophy and theology that "with a correct perception of the character of the present age, they may be properly prepared to dialogue with persons of our day"[15] even as regards non-believers. Wherefore, future priests should be correctly and thoroughly instructed in the more notable forms of "unbelief" (especially those which are widespread in their country) and should learn well the philosophical and theological foundations and prograrii of dialogue. All this must be gone into more deeply and broadly, of course, in ecclesiastical universities and faculties.

2. In the promotion of the pastoral renewal of the clergy which is being done through courses, study weeks, conventions, etc., attention must needs be given to explanation of the questions of dialogue with non-believers which are pertinent to the concrete circumstances in which the clergy will be exercising their pastoral ministy.

3. Similarly, courses of higher religious education on dialogue with non-believers, or special courses for experts, or study days and conventions for the laity should be promoted with particular consideration of the young people and of those who take part in the Christian apostolate.

4. Moreover, preaching and catcchetics must also attend to this situational change for which the Church today is particularly geared and ready.

5. With reference to the study of atheism and the initiating of dialogue, diocesan and national offices will lend assistance in some sort of conjunction with the Roman Secretariat for Non-Believers and under the locally established hierarchy. Such offices will call upon experienced persons from the ranks of the clergy as well as from the laity of both sexes to promote research and study and, finally, to conduct courses and conventions.

6. It is desirable that truly ecumenical cooperation in this area between Catholics and other Christians be set up on the regional, national and international levels.

15 Decree *Optatam totius,* η. 15.

7. In addition, such cooperation for the establishment of dialogue with non-believers is desired also between Christians and the followers of non-Christian religions, particularly Jews and Moslems.

2. Directive norms

First of all, a distinction must be made between public and private dialogue.

As regards *private* dialogue, that is, a meeting organized spontaneously or by invitation and reserved solely to certain persons or groups, no special norm can be laid down other than the employment of the prudence and kindliness which ought to regulate all truly human activity worthy of being called Christian.

Nevertheless, it seems good to make the following suggestions:

1. To derive the greatest possible benefit from dialogue, it is eminently necessary that adequate knowledge be had of the matter to be discussed, not simply in its relation to the participants but very especially in its relation to Christian teaching on the subject.

2. If, then, the Christian perceives that he is not sufficiently prepared, he should contact an experienced person or he should refer the other party of the dialogue to the expert.

3. Once more, careful attention should be given to one's serious moral obligation not to surrender the authentic content of his faith nor to jeopardize his faith by being seduced by an easygoing irenism or syncretism.

4. Neither should one underestimate the impact of the witness springing from an upright life and a living faith on the effectiveness of an encounter.

Public dialogue, on the other hand, is that which is engaged in by persons who represent the community (although not necessarily with a mandate from the community) of believers as well as of others who belong to divergent or even opposing beliefs and movements. For such dialogue a greater degree of prudence is required because of the repercussions on public opinion. Here also only general recommendations are made:

1. Members of the faithful who engage in this type of dialogue, whether they be priests or lay persons, must be endowed not only with those qualifications mentioned above with reference to private dialogue, but should also excel by greater doctrinal content in which they must be really expert, as well as by other qualities such as moral authority, effective speech and good presentation which this kind of dialogue requires.

2.If, as is here supposed, there is question of public unofficial dialogue (that is, without a mandate from some person in authority), in order to preserve the necessary freedom, it seems appropriate to say that the dialogue should not be engaged in by persons who hold public authority or office or who represent an institution. It is necessary, however, that the participants should show themselves faithful to the position of the community in whose name they are dialoguing.

3. Official dialogue (that is, in virtue of a mandate) cannot be *a priori* excluded. Rarely, however, does it happen that the conditions obtain for such dialogue between Christians and non-believers, either because the non-believers usually represent not some community but only themselves, or because there is no common ground between the Church on the one side and a political faction or cultural organization on the other. In these circumstances care must be taken that even' kind of equivocation about the meaning and objective of dialogue as well as of the willingness to cooperate be avoided.

4. Dialogue should be undertaken only if the circumstances, e.g., of time and place, are favorable to the real nature of dialogue. Consequently, to be avoided are excessive publicity or the presence of persons who are not adequately prepared for dialogue and who can upset the serenity of dialogue and convert it into a brawl or free-for-all. As a rule, greater benefit will derive from dialogue between a few persons who are experts on their respective sides. Sometimes the rules of conduct of the dialogue must be agreed on beforehand. Finally, dialogue should be turned down if it is clear that it will be used as a tool by some faction.

5.Now and then, to ward off misunderstanding or scandal, it will at times be necessary to declare beforehand what are the meaning, objective and content of the dialogue.

6.Priests are to obtain the consent of their own Ordinary as well as of the Ordinary of the place where the dialogue will be held. All the faithful will comply with the prescriptions of ecclesiastical authority. Such authority, however, should carefully safeguard the legitimate freedom of lay persons in temporal matters as well as the general conditions in which they live their lives.

Over and above the spoken dialogue, it must be recalled that there is also written dialogue which is carried on between believers and non-believers by mutual cooperation in newspapers, regularly published periodicals, and in other publications.

This form of public dialogue, again, requires greater care because of the greater circulation and impact of the written word and, as a

result, because of the greater responsibility and obligation of conscience on the part of the members of the faithful who are participants. And yet on the other hand, the risks deriving from inexperience and hasty remarks can, in this case, be more easily avoided. For engagement in this form of dialogue, however, it is suggested that all interested members of the faithful should submit their writings beforehand to competent persons. For the rest, all the faithful will religiously observe the canonical norms already established or to be established in this matter.

Given at Rome, the 28th day of August, 1968.

AAS 60-692; Sec. Non-Cred., Instruction, 28 Aug., 1968.

Ecumenism; Application of Guidelines or Directory (Sec. Christ. Unit., Oct., 1968) Private.

The following notes on the application of the ecumenical directory were released for publication by Cardinal Bea, President of the Secretariat for Christian Unity.

1.In recent months, in various parts of the world, there have been Protestant and Anglican Christians who have been allowed to participate in Eucharistic Communion during the celebration of Mass notwithstanding the fact that the permissions required by existing norms were not obtained and notwithstanding, as a result, the prohibition by competent ecclesiastical authority.

2.It seems necessary', therefore, to recall the provisions set by Vatican Council II and applied in the ecumenical directory[1] (approved by the Holy Father on 27 [sic] April, 1967, and published in *AAS,* 5 July, 1967, pp. 574-592).

3.“Participation in divine worship may not be considered a means to be used indiscrimately for the restoration of Christian unity. Such participation depends on two basic principles especially: the expression of unity of the Church, and the sharing in the means of grace. The expression of unity often forbids participation but the grace to be sought sometimes recommends it. The concrete course of action, unless otherwise established by the bishops' conference according to the norms of its own statutes or by the Holy See, should be prudently decided by local episcopal authority after due

[1] Reported in *Canon Lain Digest,* 6, pp. 716-7 34.

consideration of all the circumstances of time, place, and persons" *(Decree on Ecumenism,* n. 8).

4. "Celebration of the sacraments is an action of the celebrating community carried out within the community, signifying the oneness in faith, worship and life of the community. Where this unity of sacramental faith is deficient, the participation of the separated brethren with Catholics, especially in the sacraments of the Eucharist, Penance and Anointing of the Sick, is forbidden. Nevertheless, since the sacraments are both signs of unity and sources of grace (see *Deer, on Ecumenism,* n. 8), the Church can for adequate reasons allow access to these sacraments to a separated brother. This may be permitted in danger of death or in urgent need (during persecution, in prisons) if the separated brother has no access to a minister of his own communion, and spontaneously asks a Catholic priest for the sacraments so long as he declares a faith in these sacraments in harmony with that of the Church, and is rightly disposed. In other cases the judge of this urgent necessity must be the diocesan bishop or the episcopal conference.

"A Catholic in similar circumstances may not ask for these sacraments except from a minister who has validly received the sacrament of Orders." *{Ecumenical Directory,* n. 5)3

5. These very precise texts determine the conditions required for allowing an Anglican or a Protestant to receive Eucharistic Communion in the Catholic Church. The fact that a Christian belonging to one of the confessions mentioned above is spiritually well disposed and spontaneously requests communion from a Catholic minister is not sufficient. First of all, two other conditions must be verified: he must have the same faith regarding the Eucharist as that professed by the Catholic Church; and it is not possible for him to have access to a minister of his own confession.

The Directory cites, by way of example, three emergency cases in which these conditions arc verified: danger of death, persecution, imprisonment. In other cases, the local Ordinary or the episcopal conference will be able to grant the permission, if it is requested, but on condition that there is question of cases of urgent necessity similar to those cited as examples and that the same conditions as in those cases are verified.

2 Reported in *Canon I.aw Digest,* 6, p. 696.
Canon Law Digest, 6, p. 732.

When any one of these conditions is not verified, admission to Eucharistic Communion in the Catholic Church is not possible.

Augustine Cardinal Bea
President of the Secretariat
for Christian Unity

(Private); Sec. Christ. Unit., Notes, October, 1968; reported in *L'Osservatore Romano,* 6 Oct., 1968, p. 1.

Common Eucharist Between Christians of Different Confessions (Sec. Christ. Unit., 7 Jan., 1970) AAS 62-184.

The Secretariat for Christian Unity issued the following "Declaration on the position of the Catholic Church on the matter of common Eucharist between Christians of different confessions."

1.In recent times, some initiatives have been taken in various parts of the world on the subject of common participation in the Eucharist involving, on one side, clergy and faithful of the Catholic Church and, on the other side, the pastors and Christians of other Churches and ecclesial communities. At times it is a matter of admission of Catholic members to a Protestant or /Xnglican Eucharistic communion; at other times, of participation by Protestants and Anglicans in Eucharistic communion in a Catholic church; at yet other times, of a common Eucharistic celebration carried out conjointly by ministers belonging to Churches and ecclesial communities which are still separated, and participated in by the members of these communities.

On this subject which has great theological, pastoral, and, above all, ecumenical importance, we wish to recall the Church's norms which have been recently formulated.

2.The Second Vatican Council declared its sentiments on this subject in its decree on ecumenism, *Unitatis Redintegratio.*[1] After having recalled that common prayers for unity are an efficacious means of asking for the grace of unity and constitute an authentic expression of the bonds by which Catholics remain united with other Christians, the decree continues:

"On the other hand, participation in divine worship *(communicatio in sacris)* may not be considered a means to be used indiscriminately for the restoration of Christian unity. Such participation depends on two basic principles especially: the expression of the unity of the Church, and the sharing in the means of

[1] Reported in *Canon Law Digest,* 6. pp. 687-706.

grace. The expression of unity very often forbids participation bur the grace to be sought sometimes recommends it. The concrete course of action, unless otherwise established by the Bishops' Conference according to the norm of its own statutes or by the Holy See, should be prudently decided by local episcopal authority after due consideration of all the circumstances of time, place, and persons."[2]

3. In applying these general principles, the Council invites us to consider well the "special conditions of the East,"[3] and to draw appropriate conclusions:

"Since, however, those Churches, even though separated, possess (rue sacraments and particularly, in virtue of the apostolic succession, the priesthood and the Eucharist whereby they are still joined to us by the closest ties, some participation in divine worship, supposing suitable circumstances and approval by ecclesiastical authority, is not only possible but even recommended."[4]

The decree on the Oriental Churches, *Orientalium Ecclesiarum,* goes into some details and permits Orientals who are not in full communion with the Apostolic See at Rome, access to the sacraments of Penance, the Eucharist, and the Anointing of the Sick when they find themselves in the requisite circumstances. It likewise authorizes Catholics to request the same sacraments from the Oriental priests whenever necessity or a genuine spiritual benefit calls for it and when access to a Catholic priest is physically or morally impossible. It also recommends that contacts be had on this subject between the ecclesiastical authorities of the Churches concerned.[5]

4. In the section of the *Decree on Ecumenism* devoted to the "separated Churches and ecclesial communities in the West," which make up Christian confessions of very different kinds, the Council considered the theological problem underlying the sacramental Eucharistic relations with Christian communities in which those same conditions of the Oriental Churches are not found:

"Although the ecclesial communities separated from us lack the full unity with us which derives from baptism, and although we believe

^*Decree on Ecumenism,* n. 8

3Ibid., n. 14.

^*Ibid.,* n. 15.

sCf. *Decree on Oriental Catholic Churches,* nn. 27 and 29. complete text reported in *Canon Law Digest,* 6. pp. 7-19.

that they have not preserved the genuine and complete substance of the Eucharistic mystery, particularly because of the absence of the sacrament of Orders, nevertheless, when they commemorate the death and resurrection of our Lord in the holy banquet, they make profession that it signifies life in communion with Christ and they await His glorious coming. As a result, doctrine regarding the Lord's Supper, the other sacraments, worship, and the ministries of the Church should constitute topics for dialogue."[6]

It will be observed that the doctrinal appreciation of the Eucharist of these communities is tied to an appeal for dialogue on the Eucharist and the whole sacramental life with special mention of the ministries of the Church. It is known that the Catholic Church attaches positive importance to the traditional teaching on the necessity of a ministerial priesthood based on apostolic succession and on the conditions for its existence.

5.The arrangements made by the Second Vatican Council were made applicable by the *Ecumenical Directory* approved by the Holy Father on the 27th of April, 1967 (published in *A.A.S.*, of the 5th of July of the same year).[7]

With reference to Eucharistic relations with Orientals who are not in full communion with the Apostolic See at Rome, the *Directory* reproduces the arrangements by the Council together with certain notably useful details on the issue of reciprocity and previous agreement between the ecclesiastical authorities of the Churches concerned.

6.The *Directory* entered into more details for the Christian communities with which we do not have the ecclesiological and sacramental bases which unite us more closely with the Oriental Churches. This is how it formulates the norms after having given the doctrinal justification:

"Celebration of the sacraments is an action of the celebrating community, carried out within the community, signifying the oneness in faith, worship and life of the community. Where this unity of sacramental faith is deficient, the participation of the separated brethren with Catholics especially in the sacraments of the

^*Decree on Ecumenism,* n. 22.

AAS gives the date of approval as 28 April, the date of issuance from the offices ot the Secretariat is 14 May, 1967; the complete document is reported in *Canon Law Digest,* 6, pp. 716-734.

Ecumenical Directory, nn. 39-47.

Eucharist, Penance, and Anointing of the sick, is forbidden. Nevertheless, since the sacraments are both signs of unity and sources of grace (see *Decree on Ecumenism,* n. 8), the Church can *for* adequate reasons allow access to these sacraments to a separated brother. This may be permitted in danger of death or in urgent need (during persecution, imprisonment) if the separated brother has no access to a minister of his own communion, and spontaneously asks a Catholic priest for the sacraments so long as he declares a faith in these sacraments in harmony with that of the Church, and is rightly disposed. In other cases the judge of this urgent necessity must be the diocesan bishop or the episcopal conference. A Catholic in similar circumstances may not ask for these sacraments except from a minister who has validly received the sacrament *of* Orders."[9]

7. His Eminence, Cardinal Bea, president of the Secretariat for Christian Unity, when commenting on this passage a month before his death, tried to shed light on its exact meaning.

"These very precise texts set down the conditions requisite for admission of an Anglican or a Protestant to Eucharistic communion in the Catholic Church. It does not suffice, then, that one of these Christians be spiritually well-disposed and that he spontaneously ask for communion from a Catholic minister. It is above all necessary' that two other conditions be verified: that he profess the same faith as the Catholic Church regarding the Eucharist, and that he has no access to a minister of his own confession.

"By way of example, the *Directory* cites three cases of major import where these conditions can be verified: danger of death, persecution, imprisonment. In other cases, the local Ordinary or the episcopal conference can grant permission if it is requested, but only-on condition that it is a case of urgent necessity resembling those cited as examples and in which the said conditions are verified.

"If any one of these conditions is lacking, admission to Eucharistic communion in the Catholic Church is not possible."[10]

8. Apropos of the role the *Directory* is called upon to play in the pastoral activity of the Church, it seems to us necessary to recall here the words which the Holy Father addressed to the members of the Secretariat for Christian Unity on the 13th of November, 1968.

9lbid,, n. 55.

10,'Note on the Application of the Ecumenical Directory" published in *L'Osservatore Romano,* 6 October, 1968.

"We need not tell you that for the effective promotion of ecumenism there is need also of guidance, of subjecting its implementation to very precise regulation. To Our way of thinking, the *Ecumenical Directory* is not a compendium of counsels which one is free to accept or ignore, it is a real instruction, a statement of discipline to which those must submit who truly wish to serve the cause of ecumenism."[11]

9. The Secretariat for Christian Unity is following this problem very closely. On its own, it has undertaken various initiatives in this area. Recently, in the course of its plenary session – a *plenary session* is composed of forty bishops from the entire world – held at Rome from the 18th to the 28th of last November, the Secretariat devoted great attention to it. It also rejoices in the endeavors which are being carried on throughout the entire world to deepen the theology of the Church, the ministry, and the Eucharist – both as sacrament and as sacrifice – within the historical context of the division existing among Christians. With interest and profit it takes cognizance of the efforts made to clarify the problems involved and to render the terminology more precise. Above all, it is pleased with the interconfessional dialogue which is presently being pursued on this subject on both the local and the worldwide levels. It expresses hope that these discussions will serve to bring the different positions into harmony. Nevertheless, it states that, up to the present time, these dialogues have not yet produced results capable of being adopted on both sides by those who have responsibility in the Churches and ccclesial communities concerned.

As regards the Catholic Church, then, there is no place for real modification of the norms of the above-mentioned *Ecumenical Directory*. The line of conduct therein traced results from the Church's reflection upon her own faith and upon consideration of the pastoral needs of the faithful. Before envisaging another form of deportment in the matter of a common Eucharist, it will be necessary to establish clearly that any further change will be strictly conformed to the Church's profession of faith and will serve the spiritual life of her members.

10. At this time, when the Week of Prayer for Unity is about to begin, we arc taking into account the extent to which the desire for a common Eucharist is a powerful stimulus to search for the perfect

[11] *'Osservatore Romano,* 14 November, 1968

ccclesial unity of all Christians desired by Christ. This aspiration can be expressed very appropriately in the celebrations which will be taking place during this week of prayer. Over and above the reading of and meditating upon scripture, these celebrations could actually include elements which are directed towards the hoped-for common Eucharist: our gratitude for the partial unity already attained; our regret for the divisions still remaining; our firm resolve to do everything to overcome them; and, finally, our supplication to the Lord to hasten the day when we will be able to celebrate together the mystery' of the Body and Blood of Christ.

Rome, the 7th of January, 1970.

AAS 62-184; See. Christ. Unit., declaration, 7 Jan., 1970; this declaration was also published in *O. R.,* 12-13 Gcnnaio, 1970, p. 3. Annotations in *Doc Catb.,* 67 (1970), 383-386 (Journet).

Ecumenism: Guidelines or Directory (See. Christ. Unit., 16 April, 1970) AAS 62-705.

DIRECTORY

for Implementing the Decrees Promulgated by the Second Vatican Council on Ecumenism

PART II

ECUMENISM IN HIGHER EDUCATION

Introduction

(•64) The Holy Spirit is at work in today's ecumenical movement so that, "when the obstacles barring perfect communion of the Churches have been overcome,"[1] the unity of all Christians may at last be restored and shine forth,[2] for all peoples are called to be one new people in the confession of one Jesus, Savior and Lord, in the profession of one faith as well as in the celebration of one Eucharistic mystery:[3] "so that the world may believe," as Christ says, "that you have sent me" (Jw. 17-21).

•These numbers take up the enumeration from the first part of the *Directory* which was published on 14 May, 1967, *AAS* 59 (1967), 574-592, and reported in Canon *Law Digest,* 6, pp. 716-7 34.

[1] Vat. Coun. II, *Deer. On b'enm.,* n. 4; complete text of this decree repored in *Canon Law Digest,* 6, pp. 687-706.

[2] Cf. *ibid.,* n. 1.

[3] Cf. *ibid.,* n. 4.

All Christians should be animated with the ecumenical spirit, especially those entrusted with a special office and responsibility in the world and society. As a result, the principles of ecumenism, sanctioned in the decrees of the Second Vatican Council, must be appropriately introduced in all institutes of higher education.4 Asa matter of fact, in order that the resources of all may conspire beneficially to the common good of the Catholic Church and other Churches and ecclesial communities, many have asked for some principles and modes of action.

(65) Special responsibility rests on the pastors of the Church to promote the ecumenical movement and to establish the necessary norms on this matter. On the other hand, because of the great diversity of institutes of higher education, it is not easy to prescribe this kind of means: for situations vary according to different nations and regions, different degrees of maturity and experience among persons, and also differing states of needs obtaining on the ecclesiological level and in the degree of cooperation between the Catholic Church and the other Churches and ecclesial communities. Consequently, it will be the responsibility of the bishops and of episcopal conferences to reduce the general principles to practice,5 to accommodate proposed projects to the conditions of persons and circumstances and, as occasion arises, to undertake new endeavors. To effectuate this program, however, it is strongly recommended that the episcopal authorities associate to themselves a suitable number of superiors of religious men and women, rectors and administrators of institutes, experts in religious education, professors actually engaged in teaching, and also, if circumstances so warrant, consultation with representatives of the students.

(66) Since, however, all ecumenical undertakings arc constrained by that abnormal condition in which Churches and ecclesial communities are separated one from another and are bringing in steps and projects to restore unity, the principles proposed below will, at times, because of changed circumstances, have to be reduced to practice in a new way by the competent authority and the means will have to be so accommodated that they will constantly square with the purpose for which they were published.

4By "institutes of higher education" are understood in this document all university faculties, academic institutes, diocesan seminaries, institutes or centers or houses of formation of religious men and women·, not included, therefore, are lyccums and institutes on the secondary level.

s According to the norms set down in the *Ecumenical Directory,* part I, nn. 2, 6-8.

Chapter I

General Principles and Aids Regarding Ecumenical Education

(67) 1. Although certain understandings for promoting ecumenical education look more to faculties and centers of theological studies – which will be spoken of below – nevertheless, there are various forms of ecumenical activity which can be universally adapted ro higher education. Students as well as professors who participate in projects of this kind, are admonished that they should, with an eager and generous spirit, equip themselves with a solid religious education and with that mental maturity as well as real skill which correspond to the nature of such activity.

(68) 2. *The purpose of ecumenical undertakings.*

For these undertakings the following proposals are made to both students and teachers: a deeper knowledge of the faith, of spiritual matters, and of the total life and doctrine of the Catholic Church as such so that each, according to his own ability, can take part in ecumenical dialogue wisely and benefically;67 attention directed to that internal renewal of the Catholic Church herself which is of great help in promoting unity among Christians, as well as those matters which in their own or in the Church's life impede or slow down progress towards unity; broader education concerning the other Churches and communities so that teachers and students may better understand and correctly evaluate those matters which link Christians together as well as those matters which separate them;8 finally, since these undertakings do not manifest simply an intellectual character, participants should be more conscious of the obligation to promote unity among Christians, and should be stirred to effective efforts for the prosecution of this and as well as be led on to give joint Christian witness to the contemporary world in as far as they can.

(69) 3. *Help to achieving this purpose.*

(a) Since the various academic disciplines and ecumenism can be bound together through a kind of necessity, the following points, among others, should be weighed:

6Cf. *Deer, on Ecuni.,* nn. 3 and 5.
7Cf. *ibid.,* nn. 4, 6 and 7.
8Cf. *ibid.,* n. 3.

Where courses or lectures on religion in various forms are given to the students, either as required or as optional matter, it is expedient that those who give courses or conferences of this kind, attend to what will be said below regarding the ecumenical aspect in the theological disciplines,9

In philosophy courses where consideration is had of a solid and coherent knowledge of man, the world and God drawn from the prevailing perpetual philosophical heritage, consideration should also be had of the contemporary philosophical investigations and the students should also be made appropriately aware of those principles.10 It is advantageous that they know and correctly weigh philosophical principles which often provide the basis for the theological and exegetical views obtaining in the various Christian Churches and communities.

The methods and ways of teaching history should also be reviewed so that when there is question of Christian society, the various Christian communities, with an understanding of their whole way of life, may be duly considered. The handling of eventsand persons as they occur in the history of various conflicts, should be done with fairness and the many attempts to restore unity and to effect renewal in the Church should not be passed over.

In the other disciplines attention can be given to those spiritual elements which arc drawn from the common Christian heritage and are found in the various Christian communities, for example, in literature, art, and music.

(/?) Insofar as possible, Catholics who are appropriately educated and who firmly hold on to the heritage of their Catholic religion, should be urged to give opportune assistance to those projects which are proposed on religious matters by universities which are not obligated to a definite confession of faith.

(c) Among the various forms of activity which are usually associated with academic education, some are more suited to promoting the ecumenical movement. Among them the following can be mentioned by way of example.

Conferences or study days which are of set purpose devoted to discussion on ecumenism.

Assemblies or gatherings which arc set up for study or joint work or social action and in which place can be found for discussions on

9Cf. below, chap. II, nn. 2-5.

,0Cf. Vat, Coun. II, *Deer, on Priestly Form.,* n. 15.

ecumenical matters or *for* inquiries into the Christian principles in social work as well as into the services whereby the said principles can be reduced to practice. Such assemblies and gatherings, which may be made up of Catholics only or of both Catholics and other Christians, should strive to cooperate, in as far as possible, with other existing student institutes.

In residence halls which are associated with seats of academic studies, various circumstances may suggest exchanges between Catholics, who faithfully give witness to their own religion, and other Christian students in order that, under qualified moderators, they may live together led on by a more profound ecumenical outlook.

In university newspapers and journals, place can be given to current news pertaining to ecumenism and also, at least occasionally, to more serious studies on the same topic.

(if) Among the projects which must have special attention, must be included, deservedly, prayer for unity, not only at the time of the Week of Prayer for Christian Unity but also on other occasions throughout the year.[11] In accordance with the circumstances of places and persons as well as with the norms established regarding worship in common *(communicatio in sacris),* it can also be that, under the leadership of a reliable director, some spiritual exercises may be held which are carried out in common for one or several days.12

(e) A broader field for giving joint witness lies open especially in works of a social character or of human welfare. For this kind of cooperation the students should be prepared and encouraged. This will have particular and greater effectiveness if the students not only of the theological faculty but also of the other faculties (eg., law, sociology, political economy) make joint efforts to promote and carry out such projects.

(/) Priests who exercise some form of sacred ministry in the various institutes of this nature (e.g., chaplains, professors, student counsellors) have a special responsibility regarding mutual ecumenical relations between persons. This responsibility demands of them both a more profound knowledge of the teaching of the Church and a special aptitude and expertise in the academic disciplines as well as solid prudence and moderation so that they

"Cf. *F.cuwi. Directory,* part I, nn. 22, 32-34.

,2In accordance with the norms established by the competent authority, cf above: Introduction, n. (65).

may assist the students who are striving to conjoin complete and sincere loyalty to their own Christian community with a positive and open approach to their fellow students.

Chapter II

The Ecumenical Aspect of Religious and Theological Education

(70) 1. *Spiritual education.*

Since it must be considered that the Holy Spirit is at work in the ecumenical movement, the first thing that must be attended to in ecumenical education is conversion of hearts, the spiritual life and its renewal, namely, "it is from a new frame of mind, from self-denial and from an unstinted pouring forth of charity that desires for unity take their rise and come to maturity."13 And, indeed, this renewal must be based and rooted in the life of the Church herself and in her liturgy and sacraments. This renewal should also embrace prayer for unity of all Christians and be aimed at the discharge of the Church's function in the world. The spiritual life of Catholics must be genuine: it will, as a result, have Christ the Savior Himself as its focal point, and look to the glory of God, the Father, and give to the various religious acts and exercises their proper and due importance.

In order that the Church's characteristics of catholicity and apostolicity may be better evidenced,14 the ecumenical spiritual life of Catholics should be nourished from the treasury of the manifold traditions, past and present, which flourish in the other Churches and communities. Such a treasury is that which is found in the liturgy, in monasticism, and in the mystical tradition of the Christian Orient; in Anglican worship and piety; in the evangelical prayer and Protestant spirituality.

Moreover, this relationship with other spiritual traditions should not be found only in the theoretical realm but should also be perfected by practical knowledge of the other spiritual traditions when the particular circumstances are favorable. Consequently, some form of common prayer as well as participation in public worship must be fostered in compliance with the norms sanctioned by the competent authority.15

13Cf. *Decr. on Ecum.,* n. 7.

14Cf. *ibid.,* n. 3.

15Cf. *Ecum. Directory,* part I, nn. 25-63. Cf. also "Declaration of the Secretariat for Christian Unity on the position of the Catholic Church on the matter of common Eucharist between Christians of different confessions." *O.R.,* 12-13 Gennaio, 1970, p 3. published also in *AAS* 62-184 and reported above in this volume under this same canon.

(71) 2. *Doctrinal education.*

Ecumenism must exercise influence on the entire theological discipline as one of its necessary points of reference,16 providing help to a richer manifestation of the fulness of Christ. In any case, the single issue of ecumenism should, given the opportunity, provide special material for some sort of lecture course or provide at least the theme of some lectures which must be included in the main dogma courses.

(72) 3. *The Ecumenical aspect in the entire thological discipline.*

Ecumenism must embrace these aspects:

(a) the elements of the Christian heritage of truth and of holiness which are found in common in all churches and Christian communities, even if, at times, they arc enunciated in different theological expression.18

(b) the spiritual treasury and riches of doctrines which are proper to the various Christian communities and which can lead all Christians to a more profound understanding of the nature of the Church.19

(c) those matters which in matters of faith are cause for dissension and division but can stimulate deeper investigation into the Word of God so that it may become manifestly clear what things in the enunciated truth are real contradictions and which only seem to be contradictory.

(73) 4. *The Ecumenical aspect in the individual theological disciplines.*

In every branch of the theological discipline the ecumenical aspect should bring it about that consideration be had of the bond existing between that branch and the mystery of the Church's unity. Furthermore, in the exposition of the discipline, the students must be imbued with a sense of the fulness of the Christian tradition in doctrine, spiritual matters and ecclesiastical discipline. The students can become aware of this fulness only when their own tradition is related to the various Christian traditions of the East and of the West as regards both the ancient forms of those traditions and the present-day manners of expressing them.

This way of paying attention to the heritage of the other Christian Churches and ecclesial communities is really of great importance: in the study of sacred scripture, the common source of the faith of all

16Cf. *Deer, on Ecum.,* nn. 9, 10.

,7Cf. *ibid.,* n. 3.

18Cf. *ibid.,* n. 17.

,9Cf. *ibid.,* n. 4, cf. also the encyclical, *Ecclesiam suam,* of Paul VI. AAS 66 (1964), 609 ff.

Christians; in the study of the apostolie tradition, as it appears in the works of the holy Fathers and ecclesiastical writers of the Eastern and the Western Church; in liturgical education in which the different forms of divine worship as well as their doctrinal and spiritual importance are mutually compared by a scientific procedure; in the exposition of dogmatic and moral theology, especially as regards questions arising out of the ecumenical movement; in church history, when the unity of the Church herself in the vicissitudes of time and the causes of division among Christians are accurately investigated; in teaching canon law, where the elements of divine law must be carefully distinguished from elements which are of ecclesiastical law only and which, by reason of times, character, culture or tradition, can be subjected to change; finally, in pastoral and missionary training as well as in social studies in which particularly careful attention must be given to the requirements of today's world. In this way the fulness of divine revelation is better and more fully expressed and thus is discharged the responsibility which Christ entrusted to His Church to fulfill regarding the world.21

(74) 5. *The conditions of a genuine ecumenical mind in theology.*

Ecumenical activity "cannot be other than fully and sincerely catholic, that is, faithful to the truth which we have received from the apostles and the Fathers, and consonant with the faith which the Catholic Church has always professed."22 On the other hand, there should always be preserved a sense of order, graded by levels, or "hierarchy" in the truths of Catholic doctrine which, although all of them require a due assent of faith, nevertheless, not all of them hold an equal and main place, centers, as it were, in the mystery revealed in Jesus Christ, since there exists a difference of relationship among them and the fundamentals of the Christian faith.23

Students should learn to distinguish revealed truths, all of which require the same assent of faith, and theological teachings. Therefore, they should be taught to distinguish between "the deposit of faith as such, that is, the truths which arc contained in our venerable

20 Cf. Vat. Coun. 11, *Dog. Const, on tbe Church,* η. 13; *Deer, on Ecum.,* nn. 4 and 16.

21 Cf. *Deer, on Ecum.,* η. 12; cf. *Deer, on Mission.,* nn. 12 and 36.

22 *Deer. on Ecum.,* n. 24.

23 Cf. *ibid.,* n. 11.

doctrine," and the manner in which they are enunciated,[24] between the truth enunciated and the various ways of perceiving and placing it in a better light,[25] between apostolic tradition and purely ecclesiastical traditions. Right from the time of their philosophical education, students must attune themselves to appreciating the legitimate rationale of some different enunciation even in sacred theology because of the diversity of methods or ways in which theologians understand and express divine matters. As a result, those various theological formulas should not rarely be said to be complementary rather than opposed.[26]

(75) 6. *Ecumenism as a special discipline.*

The fact that the whole theological education takes on an ecumenical aspect, does not make a course on ecumenism useless. In this regard, the following can be considered elementary, with openings left for different circumstances and time:

(a) The concepts "ecumene," "ecumenism," their historical origin and their present meaning.

(b) The doctrinal fundamentals of ecumenism, with special consideration had of the bonds of communion still obtaining between the Churches and ecclesial communities.

(c) The purpose and method of ecumenism, the various forms of union and cooperation, the hope of restoring unity, the conditions of unity, full and perfect unity, the practice of ecumenism, especially in social matters.

(d) The history of ecumenism, especially the various attempts undertaken in the course of the centuries to restore unity, with consideration of their positive and negative aspects.

(e) An exposition of the "institutional" aspect and of the present life of the various Christian communities: doctrinal propensities, true cause of dissension, missionary efforts, spirituality, forms of divine worship.

(f) The manifold questions about ecumenism; namely, the main issues arising out of the ecumenical movement relative to hermeneutics, ministry, divine worship, "intercommunion," tradition, wrong method of proselytism and true evangelization, false ireni-

24Cf. allocution of Pope John .XXIII given at the Second Vatican Council on 11 October, 1962, to be found in *Constitutiones, Decreta, etc.* (Vatican Press), p. 865-, *Deer, on Ecum.,* n. 6; *Const. Church Today,* n. 62.

25Cf. *Deer, on Ecum.,* n. 17.

26Cf. ibid., n. 17.

cism, the laity, the ministry of women in the Chureh, and other topics like these.

(g) The spiritual approach to ecumenism, particularly the significance of prayer for unity and the various forms of spiritual ecumenism.

(h) The relations presently existing between the Catholic Church and the other Churches and ecclesial communities or their federations as well as the relations which these have between themselves.

(i) The importance of the special role had by the World Council of Churches in the ecumenical movement and the status of the relations obtaining between the Roman Catholic Church and the World Council of Churches.

Chapter III

Particular Norms Regarding Ecumenical Education

(76) 1. *Dialogue between Christians in higher education.*

As a result of accurate investigation of the general principles which pertain to dialogue between Christians, it is perfectly evident that seminaries, theological faculties and other institutes of higher education have a special role in ecumenical dialogue and that dialogue itself is a help for such institutes in discharging their responsibility as it affects the education of youth.

On the other hand, dialogue as an element of education demands:

(a) a sincere and strong fidelity to one's own faith, without which dialogue is reduced to conversation which is devoid of real participation on the side of each party.

(b) an open mind favorably inclined to basing one's life more deeply on one's faith because of the fuller knowledge drawn from dialogue with others who themselves must be considered as sharers of the real name of Christian.

(c) investigation of the ways and means to enter into mutual relationships and to restore unity which is not resting on indifference or on false irenicism or on that facile way of accommodating oneself to the demands of the age, but on greater fidelity to the gospel and on an authentic profession of the Christian religion which squares with truth and charity.

(d) communication and cooperation with the pastors of the Church as well as due obedience to their precepts and counsels; for

dialogue is never mere conversation between persons or institutes but of its very nature is a duty of the entire Church.[27]

(e) readiness to acknowledge that those who are members of the various Churches or ecclesial communities can often and best contribute to a correct exposition of the doctrine and life of their own communions.

(f) respect for the conscience and for the conviction of each party in the exposition of the viewpoint and doctrine of one's own Church or in one's own way of understanding divine revelation.

(g) readiness to acknowledge that not all persons are equally prepared for intelligent participation in dialogue because of diversity of intellectual formation, of mental maturity as well as of spiritual progress. For this reason the academic programs of courses to be given and the lectures must be so revised as regards the students that they truly correspond to the state of affairs.

(77) 2. *Those to whom the responsibility of the ecumenical movement individually pertains.*

In order to discharge the ecumenical responsibility by which she is bound, the Church must have at her disposal an appropriate number of persons from the clergy, the religious, and the lay men and women who are experts in ecumenical matters. Such persons are, indeed, desirable everywhere, even in regions where Catholics constitute the greater part of the population.

Among the tasks assignable to them these can be mentioned: they should assist the bishop and clergy of the locality as well as the regional authorities in the preparation of the faithful so that these latter may acquire a truly ecumenical mentality; help in or moderate the various diocesan or regional commissions on ecumenical matters; by suitable interaction set up relationships with other Christian communities; give special lectures on ecumenism in seminaries and other ecclesiastical institutes; by suitable ties arrange the ecumenical activities of Catholic schools and institutes; foster the formation of missionarics for undertaking their own special ecumenical work.[28]

Over and above a solid, general, theological education, it is desirable that the experts:

(a) acquire special training of a higher calibre in some discipline such as in theology, exegesis, history, philosophy, sociology of religion.

27Cf. *ibid.,* n. 4.
28Cf. *Ecunt. Directory,* pan 1, nn. 3-8.

(b) should be appropriately instructed in the principles, questions, activities — past and projected — which pertain to the present-day ecumenical movement. In addition to those things which contribute to this knowledge as a result of lectures or the study of sources, they are strongly urged to enter, as far as possible, into relationships in an ecumenical association of persons which can happen by means of meetings, conferences, "centers" or institutes of ecumenical studies, etc.

(c) should be properly instructed in the traditions of the Christians living in the area where they carry on their work. Inasfar as possible, these studies should be pursued by having communication with those who are conversant with and favorable to these traditions.

(78) 3. *Those already laboring in pastoral ministry.*

At the same time that bishops and religious superiors arc carrying out the established program of pastoral training for the clergy' by means of clergy gatherings, special institutes, retreats, days set aside for interior meditation or for treatment of pastoral issues, they arc earnestly admonished that they should be solicitous to consider ecumenism with due diligence and weigh well the following doctrinal points.[29]

As opportunity provides, special instructions should be prepared whereby priests, religious and lay persons should be instructed on the present-day status of the ecumenical movement so that they may learn to inject the ecumenical aspect into sermons, divine worship, catechetics and the Christian life in general. Furthermore, inasfar as it can be prudently done, a minister of another Church or community should be invited to explain his own tradition or to speak on pastoral matters which rather often are common to all Christian ministers.

Where it seems appropriate and the Ordinary agrees, the Catholic clergy should be invited to attend special meetings, together with ministers of other Churches or communities, which are aimed at providing better knowledge of one another and, by joint Christian effort, resolving pastoral questions. Quite often these undertakings make real progress when associations arc established, for example, clergy councils, whether local or regional, ministers' fraternities, etc., or when persons enrol in such already-existing associations.

29Cf. Vat. Coun. II. *Deer, on Past. Off. of Hps.,* n. 16; *Deer, on Priestly Min.*. n. 9.

Theology faculties, seminaries and other educational centers can contribute very much to the ecumenical effort both by drawing up study curricula for the clergy who are already engaged in pastoral ministry as well as by urging their own teaching staffs to give a ready hand to the disciplines and studies organized by others.

(79) 4. *Administrators and teachers in institutes of"theological education.*

The general principles set forth in chapter II ought to shape, govern and stimulate the education of all those who are destined to teach theology and its related subjects so that they may become duly skilled and prepared for the task of educating the junior clergy, students of matters sacred, religious, lay persons.

In order that teachers may be assisted in meeting their ecumenical obligation, bishops, either in their own dioceses or in conjunction with other bishops of the same region or nation, religious superiors and those who administer some seminary or university or like institute, should strive to promote the ecumenical movement and should make every effort that those who teach therein be aware of every step made in ecumenical thought and action. Moreover, vigilant effort must be made that they have at hand an adequate supply of books, commentaries, periodicals and similar publications put out both by Catholics and non-Catholics.

When study programs are being drawn up, the following points are most strongly urged:

(a) It seems consistent that a special course be given on ecumenism shortly after theological studies have been begun so that the students may acquire a broad knowledge of ecumenical matters and thus more deeply comprehend the special discipline.

(b) In order that the study of matters ecumenical may always burn brightly and familiarity with the entire ecumenical movement may flourish, it will be useful to have from rime to time, as occasion offers, a conference for the students. It will also be useful for the teachers of the individual classes to assign topics or exercises on ecumenical matters to the students.

(c) Textbooks and whatever else can be of help in the education of students must be chosen or written with due care. These helps to learning should honestly set forth the views of other Churches in theology, history, spirituality since these matters must by no means be thought of as divorced from actual life but as imbedded in the living tradition of persons.

(J) It is of the greatest importance that students who are being educated for the priesthood or the religious life, should fully learn

how they ought to conduct themselves in future pastoral dealings with other Christians, for example, how they may assist them in some spiritual need and, at the same time, however, respect their liberty of conscience as well as the grace of the Holy Spirit within them.

(e) The libraries of seminaries and other institutes of higher education should be diligently supplied with books and periodicals which treat ecumenism in general and explain particular questions which have ecumenical importance for the region where those institutions are located or for the special purpose of those institutions.

Chapter IV

Institutional and Personal Cooperation Between Catholics and Other Christians

(80) 1. In accord with the conditions, which vary from place to place, and the principles mentioned above,30 cooperation between institutes of higher education and communication, in varying degrees, between teachers and students of different Churches or communities can be of very great benefit not only to the ecumenical movement in general but also to the ecumenical learning of both the teachers and the students in particular.

(81) 2. Such cooperation between Christians in the area of higher education can greatly profit the institutes which take part in it. Thus it contributes:

—to a fuller knowledge of theology, especially as regards the aids which are useful for exegesis, as well as of the other disciplines which are developed in institutes of higher education.

—to assisting the academic faculty itself by a shared use of books and library facilities, by a greater number of teachers equipped with appropriate learning, by cutting down on useless or duplicated courses in accord with norms to be given later.

—to increased material resources where there is need, e.g., by the shared use of buildings, especially libraries, and classrooms.

—to multiplication of the help which that institution can offer to society as a whole; for persons more willingly pay attention to authority and to the influence of some joint Christian action than to that of individual institutes acting on their own.

30Cf. above, chapter Ill, n. 1.

-to strengthening the witness which can be exhibited to other Christians by a tested program of education and which persons seek from that kind of formation over and above mere academic excellence of doctrine.

(82) 3. This cooperation and habitual relationship with colleagues of other Christian communities daily open up for the teachers new avenues for scientific research and helps them to perform a better job of teaching. Finally, the students throughout the whole period of their education can, to some degree, be prepared for future ecumenical undertakings and, with the help of truly learned Catholic teachers, can more aptly learn to overcome difficulties of an intellectual or spiritual nature such as may arise from mutual dealings of this kind.

(83) 4. In this cooperation two classes of persons are distinguishable, namely, (1), those who have already obtained academic degrees or acquired a general education in sacred theology; (2) those who have not yet completed the course of a general education.

(84) 5. In preparing their program of education for priests in keeping with the decree, *Optatam totius,* the episcopal conferences should publish general norms, in accord with those soon to be sanctioned, on the particular cases of cooperation between Catholic seminaries and seminaries of other Christians. Since, however, institutes for the education of religious can also take part in such cooperation, the major superiors, personally or through delegates, ought to work jointly to draw up norms in accord with n. 35, arts. 5 and 6 of the decree, *Christus Dominus,* If special questions arise relative to some seminary or institute, the Ordinary who has jurisdiction over it, should decide, in keeping with the norms established by the episcopal conference, which undertakings require his approbation and which devolve on those in charge of the seminary.

(85) 6. *Those who have obtained academic degrees and those others who have acquired a general theological education.*

Ecumenical dialogue and action should be advanced by the erection of ecumenical institutes or centers in various places and nations with the legitimate approval of the authorities as circumstances and the matter so demand. These institutes or "centers," as they are called, are established as separate entities, or as parts of some faculty, or by cooperation between already existing faculties or universities. The structure and objective of these centers can vary'. Nevertheless, when they are planned and arranged, it is very desirable that the complete and entire ecumenical enterprise be viewed according to all its aspects.

(86) 7. The following types of such institutes can be distinguished:

(A) Centers for ecumenical research in which theological questions on some specific topic are thoroughly examined and directed to ecumenical dialogue by means of inquiry into sources, scientific interchange, published writings.

(B) Ecumenical theological institutes in which students, after completing their general theological education, work separately and painstakingly on ecumenical theology by means of special courses and special groups (seminars), etc. Such institutes are destined to universal ecumenical education — and then the total ecumenical enterprise is encompassed — or to some special study in some specific discipline (e.g., theology of the Oriental Churches, of the Protestants, or of the Anglicans, etc.). However, in such cases total consideration of the entire ecumenical enterprise must by no means be neglected.

(C) Associations for the study of theological and pastoral questions between ministers of diverse Churches or communities who come together to converse on the theoretical and practical aspects of their ministry among their own people and on their joint witness in the world.

(D) Federations of universities and other institutes for expediting shared use of libraries and other facilities and for affecting closer bonds between teachers and students relative to the study program as such.

(87) 8. *"Interconfessional" institutes.*

Subject to the conditions of time and place, the above-mentioned institutes or "centers" may be under the direction of Catholics or of several confessions simultaneously. Such joint institutes are especially useful where Churches or ecclesial communities ought to weigh together some specific questions (e.g., missionary work, dealings with non-Christian religions, questions on atheism and paganism, use of social communication facilities, architecture and sacred art, and, in the province of theology, the unfolding of sacred scripture, the doctrine of salvation history, pastoral theology, etc.) which, if correctly resolved, can greatly benefit Christian unity. The constitution and administration of these institutes ought, as a rule, to be entrusted to those who support them while preserving the rights of competent ecclesiastical authority.

(88) 9. Where it seems appropriate, Catholic institutes can, in accord with n. 5 of this chapter, become members of associations which propose to foster higher standards of theological education,

more exacting training of those who will be assigned to the pastoral ministry, and greater cooperation between religious centers of higher education. On the other hand, if association is entered into with such organizations, care must be taken that the autonomy proper to the Catholic institute be preserved intact in those matters which look to the program of studies, to the very doctrine in the disciplines which arc to be given, and to the spiritual and priestly training of the students inasfar as these matters arc determined both by the institute's own purpose and by the norms sanctioned by legitimate ecclesiastical authority.

(89) 10. *Those who have not yet completed their general theological education.*

Attention must be given especially to the principles set forth in chap. Ill, n. 1 whenever, in the intellectual formation of Catholic students, there is question of cooperation between them and other Christian students throughout the whole time of their general education in theology. For these exchanges (arising out of joint study, prayer, social action, etc.) are more fruitful the more each one is grounded on the foundation of his own faith and tradition and is conscious of the time of ecumenism and of the requirements of ecumenical dialogue.

(90) 11. Catholic seminaries, theological schools, houses and centers of formation for religious men and women can, as such, collaborate with other Christian institutes of like nature. In accord with local circumstances and the character proper to those institutes, this cooperation can take on various forms such as occasional exchange of teachers, mutual recognition of certain courses, federations of various kinds, affiliation with some university. In all these cases, however, care must be taken that the native character of the Catholic institute be preserved as well as its right to educate its own students and to expound Catholic doctrine, while at the same time giving consideration to those matters which will be mentioned below in number 13.

(91) 12. Those who are experts in ecumenical matters in other Christian communities may be invited by the legitimate authority to hold conferences in Catholic institutes and even to conduct some classes provided that the character proper to each institute is respected. Catholic professors, if they arc asked, should by all means be likewise ready to discharge the same office for others.

(92) 13. Catholic students may be permitted to attend lectures given in institutes, even seminaries, of other Christians in accord with the following norms. These points should be kept in view: *(a)* the usefulness of such a course and the solid help it will provide for

the overall education of the students; *(b)* the public uprightness, the scientific learning as well as the ecumenical outlook of the teacher himself; (c) the previous preparation of the students; *(d)* their spiritual and psychological maturity; and very especially *(e)* the very nature of the discipline, for more caution should be exercised about allowing students to attend where the doctrinal aspect of the matter will be given greater emphasis. Therefore, while the ordinary or systematic education must be imparted by Catholic teachers, especially when there is question of exegesis, dogmatic and moral theology, Catholic students can attend classes which are concerned with the practical disciplines such as biblical languages, communication media, religious sociology inasmuch as this new science is based on factual observation, etc. Subject to the judgment of their superiors who, as stated above, must weigh their scientific and spiritual preparedness, students may attend some lectures in disciplines which have a common usefulness, even though they may also have a doctrinal aspect, such as church history, patrology, etc. The decision in all these matters belongs to superiors after having taken counsel with the students and in accord with the ordinary discipline of the seminary and the norms given by the Ordinary who has jurisdiction over it.[31]

In order that the carrying out of such curricula may bear real fruit, it will be very helpful if the Catholic teachers have a rather ample knowledge of the writings, opinions, ecumenical outlook of the teachers of those Christian communities whose classes the Catholic students will be allowed to attend. This will be more easily effe'eted if they frequently associate with them and visit their institutes. Furthermore, it is strongly recommended that the seminary superiors, at stated intervals, confer with the teachers and the spiritual moderators of their seminary so that together they may review the programs of study, propose changes, and overcome difficulties which may have arisen. Similar meetings and conferences with their colleagues in other Christian seminaries are also recommended.

(93) 14. In various parts of the world, the program and form of higher education are today suffering rather serious vicissitudes and many proposals recommend that the different institutes "on religion" join forces in public or in nondenominational universities. It belongs to the episcopal conferences, through qualified persons and means, to judge what part students of theology may have in such

[31] Cf. above, chapter IV, n. 5.

undertakings. While diligently examining this matter, they should place particular emphasis on the correct and proper intellectual and spiritual education of the theology students as well as of the other students under the direction of Catholic authority. At the same time they should emphasize active participation by Catholic professors in those same studies and, finally, emphasize the complete and established freedom of the Church's magisterium to set forth genuine Catholic doctrine and tradition.

In order that these ecumenical undertakings may bear abundant fruit, it is to be wished that into the very body of university or faculty moderators some Catholics (lay, clerical, religious) be admitted who are truly expert in their own field and in ecumenical dialogue.

(94) 15. Other Catholic institutes which offer religious education both to students working for degrees in theology and to those coming from other faculties, should be governed by these same principles but accommodate them to the demands of the character of the institute and the special status and utility of their students. What has already been said about the previous religious education and mental maturity of the students as well as of the expertise and overall ability of the teachers must be equally applied to these centers of study.

The present Directory the Supreme Pontiff, Pope Paul VI, in the audience granted on the 16th day of April, 1970, to John Cardinal Willebrands, president of the Secretariat for Promoting Christian Unity, approved and confirmed by his authority and ordered that it become part of the public law. All things to the contrary notwithstanding.

From Rome, the 16th day of April, 1970.

AAS 62-705; Sec. Christ. Unit., Directory, Part II, 16 April, 1970. Annotations in *Monit. Eccles.,* 95 (1970), 348-360 (Marafini).

Anglican-Roman Catholic: Statements· 1970: 16 Jan., 1970—reported in *Cath. Mind.,* 68 (April 1970),48-49; 21-28 Sept., 1970—reported in *Cath. Mind.* 69 (April 1971),35-50; *Clergy Rev,* 56 (1971),126-145; *N.R.T.*. 93 (1971),602-656 (with commentary by Tillard).

1971; on Eucharistic doctrine; 7 Sept., 1971—reported in *Cath. .Mind,* 70 (April 1971), 57-61; *Clergy Rev.,* 57 (1972), 62-66; *One in Christ,* 8 (1972), 69-74.

1972: Doctrinal Agreement and Christian Unity; 23 Jan., 1972-reported inOne *in Christ,* 8 (1972), 299-303.

Baptism: Mutual recognition of, by various Churches. *See* c. 737.

Burial Practices: Survey of, in 86 dioceses from angle of ecumenism reported in *Tbe Jurist,* 28 (1968), 259-261.

Catholic-Jcwish Relations: Statement by executive committee on C-J relations in U.S.A, occasioned by Passion Play performances, 5 Mar., 1968; reported in *Catb. Mind.* 66 (April, 1968), 10-11.

Guidelines for the advancement of, drawn up by the ecumenical commissions of the Archdiocese of New York and the Dioceses of Brooklyn and Rockville Centre with the assistance of leading scholars of the Jewish community; adopted 18 Nov., 1969 and published on 11 Dec., 1969; reported in *Catb. Mind,* 68 (March, 1970), 58-64.

Church Unity: Paul VI, allocution at ecumenical service to foster, 24 Jan., 1972 (AAS 64-195).

Commission for Ecumenism: Paul VI, allocution to delegates from, of episcopal conferences and of Catholic Oriental Patriarchal Synods, meeting at Secretariat for Christian Unity, 22 Nov., 1972 (AAS 64-760)-English version in *T.P.S.,* 17 (1972), 320-323.

Ecumenical Dialogue: Sec Christ. Unit., issued document on ''Reflectionsand Suggestions on Ecumenical Dialogue," 15 Aug., 1970; not published in AAS, it does *not* have juridical value but was distributed to the episcopal conferences, offering recommendations based on theoretical reflection and practical experience. Eng. version in *T.P.S.,* 15 (1970), 420-431.

Ecumenism: Bibliography on, in *Ir. Theol. Qrtly,* 36 (1969), 327-352 (Hurley).

Mixed Marriage: Local Ordinaries and pastors should institute relations with ministers of other religious communities to help couples in a mixed marriage to foster their married and family life. *See* c. 1061; Paul VI, *motu proprio,* 31 March, 1970, n. 14.

Muslim-Christian Dialogue: Joint statement by the president of the Secretariat of Non-Christians and the secretary general of the Supreme Council for Islamic Affairs of Cairo at conclusion of meetings held at the Vatican 16-20 December, 1970; statement issued on 19 Dec., 1970—English version in *Clergy Monthly.* 35 (1971). 171-172. ,

National Council of Churches: U.S.A.: Paul VI, allocution (in English) to delegates who came to him for audience, 28 Mar., 1969 (A/XS 61-259).

Non-Catholic Christians: Admission to Holy Communion in the Catholic Church. *See* c. 731; Sec. Christ. Unity, 1 June, 1972.

Orthodox-Roman Catholic: Exchange of letters between Pope Paul VI, 8 Feb., 1971, and Patriarch Athenagoras I, 21 March, 1971 both reported in *One in Christ,* 7 (1971). 369-371 and 74-76 respectively.

Social Communications Media: General criteria for ecumenical collaboration by. issued by Com. Com. Soc., and approved for five years by way of experiment, 15 Nov., 1971-, reported in *Doc. Catb.*. 69 (1972), 67.

Syrian Orthodox Church: Joint declaration (in English) by Pope Paul VI and Hts Holiness Mar Ignatius Jacob III, Patriarch of the Syrian Orthodox Church at Antioch on relations between the two Churches, 27 Oct., 1971 (AAS 63-814).

Vaskcn I: Supreme Catholicos Patriarch of all Armenians (Orthodox):

Paul VI, allocution to. 9 May, 1970 (AAS 62-439). Eng. version in *T.P.S.,* 15 (1970), 152-155.

Joint declaration by him and Pope Paul VI on mutual recognition and respect, 12 May, 1970 (AAS 62-416). Eng. version in *T.P.S.,* 15 (1970). 155-156.

World Council of Churches: Statements: 1971: Policy and guidelines for "Dialogue with men of other faithsand theologies," 21 Jan., 1971, reported *in Catb. Mind,* 69 (April 1971), 50-55.

1972: "Patterns of relationships between the Roman Catholic Church and the World Council of Churches," signed jointly by Cardinal Willebrands (See. Christ. Unit.) and Dr. Blake (W.C.C.) and published in July, 1972; reported in *Catb. Mind,* 70 (Dec. 1972), 22-54; *Ecumenical Review,* 24 (1972), 247-288.

World Lutheran Federation: Address of Cardinal Willebrands at 5th assembly of, on nature and role of Church and on special difficulties and possible solutions regarding Lutheran-Catholic relations, 15 July, 1970. Eng. version in Amer. *Eccles. Rev.,* 163 (1970), 196-211.

CANON 1261

Care of the Historico-Artistic Heritage of the Church (S. C. Cler., 11 April, 1971) AAS 63-315.

The following was addressed to the presidents of episcopal conferences.

Works of art, inasmuch as they are the most outstanding fruits of the human spirit, more and more draw mankind near to the Divine Artificer[1] and not undeservedly arc considered to be the heritage of the whole human race.[2]

The Church has always considered the ministry of the arts as the noblest and has constantly sought that "things pertaining to divine worship should be truly worthy, becoming and beautiful, signs and symbols of things supernatural,"[3] and through the course of the centuries has with all care preserved a treasury[4] of art all her own.4*

[1] Cf. *Const, on Sac. I.it.,* n. 122; complete document reported in *Canon Law Digest,* 6, pp. 32-67.

2Cf. Pius XII, *Discorsi e Radiomessaggi,* Ed. Pol. Vat., vol. 15, p. 448-, *Directory for Pastoral Ministry to Tourism.* AAS 61 (1969), *366,Canon Law Digest,* this volume, under canon 467.

3Const. on Sac, Lit., loc. cit.

4Cf. *la Legislatione ecclesiastica sull'Arte,* curante Emmo. Card. Celso Costantini, "Fede c Arte," 5 (1957), 539, if.; several circular letters of the S. C. of the Council on this matter, especially that issued on 30 December 1952, AAS 45 (1953),101-102; *Regolamento relativo al prestito di opere d'arte di propriety della Santa Sede, AAS 57* (1965), 677, ff.. reported in *Canon Law Digest, 6,* pp 820-822. *Inst. Gen. Missalis Rom.,* chap. 5. "De ecclesiarum dispositione et ornatu ad Eucharistiam celebrandam.

As a result, at the present time also, even though pastors of souls are burdened with many tasks, they must have close to their heart the care of buildings and sacred things, especially since they are a splendid witness of the devotion of the People of God and also because of their historical or artistic value.

On the other hand, the faithful are grieved because, more than in times past, they perceive so many undue alienations, thefts, usurpations, destructions of the historico-artistic heritage of the Church.

Many, indeed, unmindful of the warnings and the dispositions which the Holy See has issued,[5] have used the pretext of the very execution of the liturgical restoration to carry out incongruous changes in sacred places and to destroy and to scatter about works of inestimable value.

In some regions certain ecclesiastical edifices, no longer used for their original purpose, are so neglected that grave prejudice is brought upon the ecclesiastical heritage and the works of sacred art of those regions.

After having considered these serious situations, and keeping in view the above-mentioned circumstances, this Sacred Congregation, relative to supervising the administration of the artistic heritage of the Church,[6] exhorts the episcopal conferences to pass norms for the supervision of this very important matter.

Meanwhile, the following may be recalled to mind and established:

1) "When artists are commissioned as well as when works are selected for placement in a church, real artistic excellence should be sought out, such as will nourish faith and devotion and harmonize with the true significance and purpose for which it is intended."[7]

2) Ancient works of sacred art should always and everywhere be taken care of so that they will richly contribute to divine worship and support the active participation of the People of God in the sacred liturgy.[8]

3) It is the responsibility of each diocesan curia to be vigilant and to look into it that, in accord with the norms passed by the

5Cf. President of Cone. Com. Lit, *Letter to the Presidents of the Episcopal Conferences,* 30 June, 1965, *Notitiae,* 1 (1965), 263, n. 8; instr. *Inter Oecumenici,* chap. 5, nn. 90-99 (/1/1S 56| 1964|, 897, ff.; *Canon* Law *Digest,* 6, pp. 96-98-, *Inst. Gen. Missalis Roni.,* nn. 267, ff.

Cf. const. *Regimini Ecclesiae Universae,* η. 70 *(AAS* 59| 1967l, 911; *Canon Law Digest,* 6, p. 342.

'I*Inst. Gen., Missalis Rom.,* n. 254.

8Cf. *Const, on Sac. Lit.,* n. 124.

Ordinary, the rectors of churches, in cooperation with experts, draw up an inventory of sacred edifices as well as of things which arc noteworthy artistically or historically. In this inventory each item should be described and its value indicated. Two copies of this kind of inventory should be prepared, one of which is kept at the church and the other deposited in the diocesan curia. It would be very useful if the diocesan curia itself would transmit another copy to the Vatican Apostolic Library. Notations of changes which may have taken place in the meanwhile should not be omitted.

4) Mindful of the dispositions of Vatican Council II[9] and of those matters which are contained in the documents of the Holy See in this regard,[10] bishops should be incessantly vigilant that changes which are to be made in sacred places, occasioned by liturgical reform, should be made with all caution and always in keeping with the norms of liturgical restoration. Nor are they to be made effective without the vote of the commissions on sacred art, the sacred liturgy and, if need be, on sacred music, nor without the advice of experts. Moreover, consideration should be had of the laws which may have been set down by civil authorities in the various nations for the protection of the more notable artistic works.

5) After having weighed the norms of the *Directory for Pastoral Ministry to Tourism (Peregrinaris in terra),*[11] local Ordinaries should take care that the places and sacred things which are artistically notable, should more and more be manifested to all as evidence of the life and history of the Church. On the other hand, when sacred buildings, even those endowed with artistic value, are places of worship, liturgical functions which arc therein celebrated, must by no means be disturbed by tourists.

6) If there should be need to adapt to the new liturgical laws works and treasures handed down by the centuries,[10] bishops should exercise care that this not be done without real necessity and with detriment to the said works. Furthermore, the norms and criteria mentioned in n. 4 should always be observed. If they are thought to be no longer suitable for any divine worship, they should

9Cf.iW., nn. 44-46, 126.

,0Cf. instr. *Eucbaristictltn Mysterium,* n. 24 (AAS 59 11967J, 554; *Canon Law Digest,* 6, pp. 531-532.

''/lAS 61 (1969), 375-376; *Canon Law Digest,* this volume, under canon 467.

12Cf. *Inst. Gen. Missalis Rom.,* n. 254.

never be destined for profane use but should be located in an appropriate place, for example, in a diocesan or intcrdiocesan museum where everybody who wishes to visit them, can have access to them. Similarly, ecclesiastical edifices which are artistically constructed, should not be neglected, even when they no longer serve their original purpose. If they must be given up, they should, preferably, go to buyers who can take care of them (cf. canon 1187).

7) Precious objects, especially votive offerings, should by no means be alienated without permission from the Holy See in accord with canon 1532 and without prejudice to the penalties set down in canons 2347-2349 against those who wrongfully alienate and who are not to be absolved unless they have first repaired the damage inflicted. When sending over petitions to obtain the aforesaid permission, the vote of the commission on sacred art as well as that on the sacred liturgy and, if so warranted, that on sacred music and the vote of the experts should be clearly indicated. Also, in each case, attention should be given to the current civil law on such matters.

This Sacred Congregation is well confident that the sacred works of art will be everywhere handled in a holy manner and be protected and that the bishops, eager to promote new forms in harmony with the character of each era, will employ those works wisely for assisting the genuine, active and efficacious participation of the faithful in the sacred liturgy.

Given at Rome, the 11th day of April, 1971.

AAS 63-31 5; S. C. Clcr., letter, 11 April, 1971.

CANON 1264

Sacred Music: Paul VI, allocution, stressing, as ancillary to liturgy, to the convention participants from the St. Cecilia Association of Italy, 18 Sept., 1968 (AAS 60-711); also reported in *Notitiae,* 4 (1968), 269-273; Eng. vers, in *The Pope Speaks,* 13 (1968-69), 347-351.

Paul VI, allocution to tenth International Convention of Church Choirs, 6 April, 1970 (AAS 62-224). Partially translated in *T.P.S.,* 15 (1970), 27-28.

CANON 1269

Tabernacle (Irish Episc. Conf., 1972) Private.

The Irish Episcopal Conference issued the following pastoral directory' regarding the tabernacle.

Doctrinal Preamble

1. The reserved Blessed Sacrament is the object of the devotion of the faithful and provides for the administration of Viaticum and the distribution of communion outside Mass.[1]

2. "When the faithful adore Christ present in the sacrament, they should remember that this presence derives from the sacrifice and is directed towards both sacramental and spiritual communion.

"In consequence, the devotion which leads tho faithful to visit the Blessed Sacrament draws them into an ever deeper participation in the paschal mystery. It leads them to respond gratefully to the gift of him who through his humanity constantly pours divine life into members of his body.

"Dwelling with Christ, Our Lord, they enjoy his intimate friendship and pour out their hearts before him for themselves and their dear ones, and pray for the peace and salvation of the world. They offer their entire lives with Christ to the Father in the Holy Spirit, and receive in this wonderful exchange an increase of faith, hope and charity. Thus they nourish those right dispositions which enable them with all due devotion to celebrate the memorial of the Lord and receive frequently the bread given us by the Father.

"The faithful should, therefore, strive to worship Christ Our Lord in the Blessed Sacrament, in harmony with their way of life. Pastors should exhort them to this, and set them a good example." *(Euch. Myst.,* 50).

3. "The celebration of the Eucharist in the sacrifice of the Mass is the origin and consummation of the worship shown to the Eucharist outside Mass. Not only are the sacred species which remain after Mass derived from the Mass, but they are preserved so that those of the faithful who cannot come to Mass may be united to Christ, and his sacrifice celebrated in the Mass, through sacramental communion received with the right dispositions." *(ibid.,* 3 [c]).

"The mystery of the Eucharist should therefore be considered in all its fulness, not only in the celebration of Mass but also in devotion to the sacred species which remain after Mass and are reserved to extend the grace of the sacrifice." *(ibid.,* 3 [g]).

*See *Eucb. Myst.,* 49 (complete instruction reported in *Canon Law Digest,* 6, pp. 518-549J. We have reversed the order of no. 49 which makes the administration of Viaticum the "primary and original purpose" of reservation, since it is not this which poses the problem with regard to the location of the tabernacle. The need to provide for Viaticum could be met by reservation in the sacristy.

4. The reservation of the Blessed Sacrament and the devotion of the faithful to it are of themselves public manifestations of the community's belief in the mystery of the Eucharist *(ibid.,* 49).

5. Public and private devotion to the reserved Eucharist is highly recommended by the Church and is to be fostered, since the eucharistie sacrifice is the source and summit of the whole Christian life *(ibid.,* 58, 60, 61).

The Tabernacle: Basic Data

6. The tabernacle is a sacred receptacle for the reservation of the Eucharist.

7. *a)* Normally thercs should be only one tabernacle in a church *(Euch. Myst.,* 52; *IGMR,* 277).

b) It should be solid and inviolable *(IGMR,* 277; *Euch. Myst.,* 52).

c) It should be dignified and properly ornamented *(IGMR, 276-, Inter Oecum.,* 95[a).

d) Λ lamp should burn continuously near the tabernacle *(Euch. Myst.,* 57).

8. Current legislation and practice indicate that the tabernacle may lk an aumbry, may be placed on a pillar or in a eucharistie tower, or on an altar, but the legislation does not exclude further possible developments.

9. Decisions in individual cases regarding the location of the tabernacle must be referred to the local Ordinary *(Euch. Myst.,* 54).

Location: The Principles

10. The location of the tabernacle should be determined in the light of the following principles:

a) It should be worthy of this great sacrament.

b) It should be suitable for private prayer, so that the faithful may easily and fruitfully continue to honour Our Lord in this sacrament *(Euch. Myst.,* 53; *IGMR,* 276).

c) It should not obscure the indissoluble relationship between the eucharistie celebration and the reserved Eucharist *(Euch. Myst.,* 3 fc] and 50).

J) It should not impede the full participation of the faithful in the eucharistie celebration nor diminish their understanding of it *(Euch. Myst.,* 55).

[aCompletc instruction reported in *Canon Law Digest, 6,* pp. 73-99.

e) Ir should not only meet the needs of the traditional devotion of our people to the Blessed Sacrament, but should deepen and foster it.

/) The tabernacle should be easily discernible by its "truly prominent" location and distinctive design *{Euch. Myst., 53* and 54; *IGMR,* 277).

11. A distinctive and precious feature of Irish piety is the "visit" to the Blessed Sacrament made, for example, by children before and afterschool and by adults to and from work or at the lunchbreak. In the light of this tradition an obvious practical corollary of principles (e) and (f) above would be that the location of the tabernacle should be easily identifiable on entry to the church and from the main body of the church.

12.It must be emphasized that there is no single solution to the problem of the location of the tabernacle. Its position may differ in varying circumstances and each instance must be studied with discernment and care. Solutions will be successful in the degree in which they achieve a reconciliation of the principles stated above (no. 10).

Any solution will require sincere effort on the part of architects and artists in cooperation with priests to find creative ways of expressing eucharistie truth through signs and of fostering eucharistie adoration through a sensitive treatment of space and atmosphere.

Location: The Legislation

13. The *General Instruction on the Roman Missal* states:

"It is highly recommended that the Holy Eucharist be reserved in a chapel suitable for the private adoration and prayer of the faithful. If this cannot be done, because of the structure of the individual church or because of legitimate local customs, it should be located, whether on an altar or not on an altar, in a place of honour in the church and one which is properly ornamented" *{IGMR* 276)."

2It should be noted that the above paragraph, the only ruling in the Roman Missal on the location of the tabernacle, does not impose any one solution. It does, however, express a preference on pastoral grounds for a eucharistie chapel, though it acknowledges that it may not be feasible to adopt it in all situations, either because of "the structure of a particular church" or because of "legitimate local custom." It should be noted that the reason given here for opting for a eucharistie chapel (to achieve an atmosphere conducive to the private adoration and prayer of the faithful) is stated by *Eucharisticum Mysterium,* 53, to apply "above all in those churches where marriages and

Location: Solutions and Comments

14. The possible solutions to the problem of the location of the tabernacle are:

a) the tabernacle in a eucharistie chapel;

b) the tabernacle in the sanctuary;

c) the tabernacle elsewhere in the church;

d) the tabernacle on the altar.

15. *The tabernacle in a eucharistie chapel:* This solution has the backing of present legislation, in the sense noted above. Further, it can be said that a eucharistie chapel may more easily provide a place of quiet, calm withdrawal. It possesses a scale and intimacy and can create a contemplative atmosphere conducive to private prayer and spiritual communion *(Euch. Myst.,* 53).

If this solution is adopted, particular care must be taken to observe these principles:

a) It should be worthy of this great sacrament.

b) It should not obscure the indissoluble relationship between the eucharistie celebration and the reserved Eucharist *(Euch. Myst.,* 3 [e] and 50).

c) It should not only meet the needs of the traditional devotion of our people to the Blessed Sacrament, but should deepen and foster It.

d) The chapel must be prominent and must not be remote or an enclosed space separate from the main body of the church.

e) 'I'he location of the tabernacle should be easily identifiable on entry to the church and from the main body of the church.

f) An arrangement which would result in two main foci in the church must also be avoided.

16. Where the eucharistie chapel contains an altar, the principles set out in the section on the altar in the Pasotral Directory should be followed.

17. *The tabernacle in the sanctuary:* This solution accords with legislation. In its favour it can be said that:

funerals take place frequently, and in places which are much visited for their artistic or historical treasure." The preference, however, is not restricted to such churches or such places. It is to be noted, moreover, that the more recent formation of the recommendation strengthens it. The "it is recommended" *commendatur"* of *Eucbaristicum Mysterium,* 53 (1967), becomes "it is highly recommended *valde commendandum est"* of the *General Instruction* (1969).

a) A tabernacle sited in rhe sanctuary (not on the altar) and properly related to the altar and the other elements in the sanctuary so that all are visible to the whole congregation – during Mass, during public devotions, and during private prayer – may give a total ordered and permanent unity to the whole church.

By "properly related to the altar" is not necessarily meant "located in the centre behind the altar." This location may, in fact, create its own problems.

b) This solution lessens the risk of diminishing awareness of the unity of sacrifice and sacrament.

If this solution is adopted, particular care must be taken to observe these principles:

a) The tabernacle should be dignified and properly ornamented *(1GMR,* 276; *Inter Oecum.,* 95).

b) The resultant arrangement of the sanctuary should be such as to foster private prayer, so that the faithful may easily and fruitfully continue to honour Our Lord in this sacrament *(Euch. Myst.,* 53; *IGMR,* 276).

c) The location of the tabernacle should not be such as to impede the full participation of the faithful in the eucharistie celebration nor diminish their understanding of it *(Euch. Myst.,* 55).

d) The tabernacle should not so dominate the altar as to obscure the distinctive doctrinal and liturgical sign value of the altar as the place of sacrifice. Neither should the tabernacle be diminished or obscured by the altar. Each should be so treated and so related to the other that they call attention to distinct but inseparable aspects of the total eucharistie mystery.

18. Because, in particular, of what has been said in 17 (d) above, it must be emphasized that the mere moving forward of the table of an existing altar, while leaving the tabernacle in an existing reredos, seldom provides a proper solution to the problem.

19. In the case of altar pieces which are genuine works of art, attention is called to the Third Instruction for the Correct Implementation of the Constitution on the Sacred Liturgy (1970)2a which states that:

"With the help of diocesan committees on liturgy and sacred art and after consultation, if necessary, with other expertsand the civil authorities, a detailed study should be made of new building projects, and a review of temporary arrangements, so that the

2aComplete instruction reported above under canon 2 of this volume.

churches should be given a definitive arrangement which respects any artistic monuments, adapting them as far as possible to present-day needs (no. 10)."

20. *Tbe tabernacle elsewhere in tbe church:* This solution is difficult to reconcile with the conditions enumerated in par. 10 above. It is, in particular, to be discouraged if it is taken to mean a tabernacle floating in space, unrelated to the other elements, and not so located as to merit the description "in a chapel."

21. *The tabernacle on the altar:* The present legislation doesnot expressly exclude this solution; but, in contrast to earlier formulations, neither does the present legislation formally list the placing of the tabernacle on the altar as a possibility.3 This solution is undesirable for the following reasons:

a) Λ tabernacle on the main altar could constitute a physical obstacle between priest and people when Mass is said facing the people.

b) Article 55 of *Eucharisticum Mysterium* states: ". . . it is more in keeping with the eucharistie celebration that the eucharistie presence of Christ which is the fruit of the consecration and should be seen as such, should not be on the altar from the very beginning of Mass." A very slight extension of this argument makes it applicable to the tabernacle on the altar.

(Private); Irish Episc. Conf., directory, no date given but published in 1972 in *Notitiae,* 8 (1972), 171-177.

Holy Eucharist: Paul VI, letter to superior general of Blessed Sacrament Fathers on worship of the Eucharist outside Mass, 10 Jan., 1969 (AAS 61-169), Eng. vers, in *The Pope Speaks,* 14 (1969-70), 47-49.

CANON 1274

Tabernacle Door: Religious Women (S. C. Cult. Div., 9 Dec., 1970) Private.

The following faculty was given individually to a number of communities of religious women.

3Thc development of the legislation can be seen from comparing *Inter Oecumenict* (1964), art. 95; *Eucharisticuni Mysterium* (1967), art. 53 and 54; and *General Instruction to the Roman Missal* (1969), art. 276.

In the judgment of the local Ordinary, if a competent minister is not available, the superioress of the religious house or another religious woman delegated by her, may open and close the door of a tabernacle where the Blessed Sacrament is reserved, so that adoration *by the community* can be carried on.

(Private); S. C. Cult Div., faculty, 9 Dec., 1970, Prot. N. 3762/70; reported in *Notitiae,* 7 (1971), 57. For listing of communities which have been granted this faculty, see *Notitiae, 7* (1971), 57; 260-261 ; 8 (1972), 113, 144, 359-360.

CANON 1276

Julie Billiart: Decree of canonization of, 22 June, 1969 (AAS 62-145).

Blessed Virgin: Paul VI, written message to the directors of Marian shrines to stir up the faithful to seek the intercession of, 1 May, 1971 (AAS 63-471).

Alleged apparition of. *See* c. 2019, ref.

Marie Victoire Therese Couderc: Canonization of, 10 May, 1970 (AAS 62-801).

Paul VI, homily on occasion of canonization, (AAS 62-394).

English Martyrs: Cuthbert Wayne, Edmund Campion, John Houghton, and Companions: declaration regarding their maryrdom and regarding miracles through their intercession; both documents issued by S. C. Caus. Sanct., 4 May, 1970 (AAS 62-555 and 558 respectively); canonization on 25 Oct., 1970 (AAS 62-745) followed by Paul Vi's homily on this occasion, partly in English, partly in Italian. Full Eng. version in *T.P.S.,* 15 (1970), 412-417.

Paul VI, decretal letter of canonization, 25 Oct., 1970 (AAS 64-257).

Rosary: During October, for peace, Paul VI, exhortation to the bishops, clergy and people of the Catholic Church, 7 Oct., 1969 (AAS 61-649); Eng. vers, in *The Pope Speaks,* 14 (1969-70), 247-251.

Saint Catherine of Siena: Paul VI, homily on occasion of declaration of, as doctor of the Church, 4 Oct., 1970 (AAS 62-673). Eng. version in *T.P.S.,* 15 (1970), 196-202. Paul VI, ap. letter declaring her doctor of the universal church, 4 Oct., 1970 (AAS 63-674).

St. Joseph: Letter by Cardinal Villot written in name of Pope, 25 Nov., 1970, to International Symposium on St. Joseph held at Rome,29 Nov.-6 Dec., 1970; not in *AAS* but in *O.R.,* 13 Dec., 1970 and *Doc. Catb.,* 68 (197D.6-7.

Saint Teresa of Avila: Paul VI, homily on occasion of declaration of, as doctor of Church. 27 Sept., 1970 (AAS 62-590). Eng. version in *T.P.S.,* 15 (1970), 218-222. Paul VI, ap. letter declaring her doctor of the universal Church, 27 Sept., 1970 (AAS 63-185).

St. Thomas, The Apostle: Paul VI, ap. letter conferring title of "Apostle of India" and raising his feast to a solemnity in India, 25 March, 1972 (AAS 64-473).

Thomas a Keinpis: Paul VI, letter to Abbot Primate of the Canons Regular of St. Augustine on the 5th centenary of death of, 8 May, 1971 (AAS 63-535).

CANON 1278

Australia: Paul VI, letter establishing the Blessed Virgin, under the title of ‘‘Help of Christians” as patron of the military ordinariatc of, 16 July, 1970 (AAS 63-268).

Blessed Virgin: Under the title of ‘Our Lady of Divine Providence" constituted principal patron of Puerto Rico; Paul VI, ap. letter, 19 Nov., 1969 (AAS 62-204).

Monterey, California: Patrons of diocese; principal: Our Lady of Bethlehem and St. Charles; secondary: Sts. Patrick and Therese of the Child Jesus; Paul VI, ap. letter, 28 Aug., 1968 (AAS 60-708).

Our Lady of Guadalupe: Paul VI, ap. letter confirming election of, as principal patron of Diocese of Phoenix, Arizona, 21 June, 1971 (AAS 64-14).

St. Gabriel: Paul VI, ap. letter declaring, who had earlier been declared patron of telecommunication workers on 12 Jan., 1951 (AAS 44-216), now also patron of postal workers, 9 Dec., 1972 (AAS 65-148).

CANON 1322

Mission of Church: Religious and their share in. *See* c. 487; Paul VI, 29 June, 1971, nn. 49-50; 19 Oct., 1972, last paragraph.

World Congress on the Future of the Church: Resolutions issued by, at its meeting in Brussels in September, 1970; reported in *Catb. Mind.,* 68 (Dec., 1970),l-4;Fwrrow, 21 (1970),729-732.

CANON 1323

Manifesto: Issued by 33 theologians appealing for systematic contestation against “the resignation that is spreading in the Church,” 17 March, 1972; reported in *Catb. Mind,* 70 (June 1972),25-30. Annotations in *Catb. Mind,* 70 (June 1972),30-32 (Garronc); *Christ to the World,* 17 (1972), 321-326 (Delhayc); *Palestra del Clero,* 51 (1972), 617-619 (C.E.I.).

CANON 1326

Canadian Hierarchy: Statements:

1970: Medico-moral directives, 9 April, 1970: reported in *Catb. Mind.,* 70 (May 1972), 62-64. “Liberation in a Christian Perspective,” Sept., 1970; reported in *Catb. Mind,* 68 (Nov., 1970), 60-64.

1972 "Social Justice in the Church,” “Sharing National Income,” and "Pastoral Implications of Political Choices,” 21 April, 1972; reported in *Catb. Mind.,* 70 (Oct. 1972), 57-61.

Celibacy: Statements by episcopal conferences. *See* c. 132, ref.

Eastern Africa: Statement of the Catholic bishops of, on human rights and social justice, 10 Aug., 1970; reported in *African Eccles. Rev.,* 12 (1970), 361-362.

Inta-American Bishops' Conference: Statement of the bishops of Latin America, Canada and United States on their interrelationship, pastoral programs for Latin Americans studying in United States, concept of liberation, and contribution of personnel by Canada and United States to Latin America; issued 5 Feb., 1970; reported in *Catb. Mind,* 68 (May 1970), 62-64.

Manifesto: Issued by 33 theologians appealing for systematic contestation against "the resignation that is spreading in the Church," 17 March, 1972; reported in *Catb. Mind.,* 70 (June 1972), 25-30. Annotations in *Catb. Mind.,* 70 (June 1972), 30-32 (Garrone); *Christ to the World, 17* (1972), 321-326 (Delhaye); *Palestra del Clero,* 51 (1972), 617-619 (C.E.L).

Rhodesia: Joint statement by *all* Christian Churches on the new constitution and Land Tenure Act; in addition to signing this joint statement, the Catholic bishops issued a special declaration of their own on this topic·, both documents reported, without dates, in *African Eccles. Rev.,* 12 (1970), 273-275.

United States Hierarchy: Annual statements:

1968: On race crisis, 25 April, 1968; reported in *Amer. Eccles. Rev.,* 158 (1968), 405-409.

1969: On sacerdotal celibacy, pornography, abortion laws, and permanent diaconate, 14-17 April, 1969; reported in *Priest, 25* (1969), 364-368. On right of life and on poverty, Nov., 1969; reported in *Catb. Mind,* 68 (Feb. 1970), 57-59.

1970: On Christian unity; reported in *Catb. Mind,* 68 (March 1970),3-5. On Christians in our times, 22 April, 1970; reported in *Catb. Mind,* 68 (Nov. 1970),1-4. On the 25th anniversary of the United Nations; reported in *Catb. Mind,* 68 (Nov. 1970), 57-60.

1971: On conscientious objection to war in general or to a particular war because of religious training or belief, 22 Oct., 1971; reported in *T.P.S.,* 16 (1971), 229-232; *Catb. Mind,* 70 (Feb. 1972), 51-54. Medico-moral directives, 16 Nov., 1971; reported in *Catb. Mind,* 70 (May 1972), 56-62.

Collective Pastorals:

"The Church in Our Day" drawn up during their November, 1967 meeting but not released until 21 Jan., 1968: treats of the mystery of the Church, her nature and function; reported in *T.P.S.,* 13 (1968), 48-97.

"Human Life in Our Day" issued on 15 Nov., 1968: treats of the threat to life in certain problems of the family and of war and peace·, reported in *T.P.S.,* 13 (1968), 377-405.

CANON 1327

Resurrection: Council of the French Episcopate issued note on what must be upheld regarding, 10 March, 1972; English version in C/ergy *Rev., 57* (1972), 543-546.

CANON 1329

General Catechetical Directory (S. C. Cler., 11 April, 1971) AAS 64-97.

The S. C. for the Clergy issued a *General Catechetical Directory* in response to the directive in Vatican Council II's *Decree on tbe Pastoral Office of Bishops,* n. 44. It carries the following formula of approval.

The Supreme Pontiff, Pope Paul VI, by a letter of his Secretariat of State, n. 177335, of 18 March, 1971, approved this *General Directory* together with the *Addendum,* and confirmed it with his authority and ordered that it be published.

From Rome, the 11th day of April, 1971, on the Resurrection of our Lx>rd.

Only an outline of the contents of the *Directory* is here given but the *Addendum* is reported completely and *verbatim* because of its close connection with canons 854 and 906.

GENERAL CATECHETICAL DIRECTORY

Introduction
Part I: The Reality of the Problem
On the part of the world
On the part of the Church
Part II: The Ministry of the Word
Chapter I. Ministry of the Word and Revelation
Chapter II. Catechesis in the pastoral mission of the Church
Part ill: The Christian Message
Chapter I. Norms or criteria
Chapter IL The more outstanding elements of the Christian message
Pan IV: Elements of Methodology
Pan V: Catechesis According to Age Levels
Part VI: Pastoral Activity in the Ministry of the Word
Chapter 1. Analysis of the situation
Chapter II. Program of action
Chapter III. Catechetical formation
Chapter IV. Instruments of labor [catechetical aids]

Chapter V. Organization of catechesis
Chapter VI. Coordination of pastoral catechetical activity with all pastoral activity
Chapter VII. Necessity of promoting scientific investigation
Chapter VIII. International cooperation and relations with the Holy See.

ADDENDUM

on the first reception of the sacraments of Penance and the Eucharist

.Among other functions of catechesis the preparation of children for the sacraments of penance and the Eucharist has great importance. Relative to this matter, it is maintained timely to recall to memory certain principles and to make some observations on certain experiments which have been carried out in very recent times in some regions or places of the Church.

The Age of Discretion

1. The suitable age for beginning the reception of these sacraments is believed to be the age which in the documents of the Church is called the age of reason or discretion. This age "both for confession and for Communion is that at which the child begins to reason, that is, about the seventh year, either more or less. From this age begins the obligation of satisfying each of the two precepts of confession and Communion."[1] It is praiseworthy to scrutinize by researches in pastoral psychology and to describe this age which evolves gradually and which is subject to various conditions and which presents a specific nature in the individual child. Caution should be had, nevertheless, lest the time at which the precept of confession and Communion begins to oblige directly, be extended beyond the aforesaid limits which, however, are not rigid.

Formation and Growth of the Moral Conscience of Children

2. While the capacity to reason is evolving step by step in the child, his moral conscience is also being cultivated, that is, the

*Decr. *Quam singulari,* I (.4/1S, 2 [191 Oj. 582).

faculty of judging his action in relation to a moral norm. For the formation of this moral conscience of the child, various elements and circumstances concur: the family and its character and discipline which stand out among the other sources of education in the first years of the child's life; association with others as well as the work and the witness of the ecclesial community. Catechesis, however, as it carries out its function of training and development of Christian faith, puts order into these various elements of education, fosters them, and acts in conjunction with them. Only in this way will it be able to direct the journey of the child to the heavenly Father in an opportune way and correct deviations and incorrect orientations of life which can occur. Without doubt, children of this age must be spoken to in as simple a way as possible: about God as our Lord and Father, about His love towards us, about Jesus, the Son of God, who became man for us, died and rose again. As the child considers the love of God, he will gradually be able to perceive the malice of sin which is always offensive to God the Father and to Jesus, and which is opposed to the charity with which we must love our neighbor and ourselves.

Explaining the Importance of the Sacrament of Penance to Children

3. When a child begins to offend God by sin, he also begins to be affected by the desire to obtain pardon not only from his parents and relatives but also from God. Catechesis should help him in the salutary development of this desire of his and inculcate in him a holy aversion for sin as well as the necessity of amendment and, especially, of love for God. The particular function of catechesis, as regards this matter, consists in explaining in a suitable way that sacramental confession is a means offered to the sons of the Church for receiving pardon, a means, moreover, which is also essentially necessary when a person falls into serious sin. To be sure, Christian parents and religious educators should so instruct the child that he strives in the first place to advance to a deeper love of the Lord Jesus and to a genuine love of his neighbor. The doctrine on the sacrament of penance must be proposed in the broad context of acquiring purification and spiritual progress together with great confidence in the love and mercy of God. In this way the children can not only acquire little by little a delicate sense of conscience but also do not lose heart when they fall into something which is less than right.

The Eucharist is the apex and center of the whole of Christian life. In order to receive Communion, in addition to the fact that the state

of grace is required, great purity of soul is evidently fitting. Nevertheless, sedulous care must be taken lest it seem to the children that confession is necessary before reception of the Eucharist also when a person, who sincerely loves God, departs in a non-serious way from the path of the commandments of God.

Certain New Experiments

4. In very recent times in some regions of the Church, as regards the first reception of the sacraments of penance and the Eucharist, experiments have been made which, however, give rise to doubts and perplexities.

In order to have the children's Communion suitably anticipated, and in order to avoid psychological disturbances in future Christian living which can arise from a hasty use of confession, and, finally, in order to foster better education of the spirit of penance as well as a healthier catechetical preparation for confession itself, it has seemed good to some that the children must be admitted to First Communion without previous reception of the sacrament of penance.

On the other hand, access to the sacrament of penance right from the start of age of discretion does not of itself harm the minds of the children provided that, as is right, it follows a kind and prudent catechetical preparation. The spirit of penance, however, will be able to be developed more fully by catechetical education continued also after First Communion; and in parallel fashion will be able to grow knowledge of and esteem for the great gift which Christ bestowed on sinful persons by the sacrament of pardon which they must receive and of reconciliation with the Church.[2]

These things have not prevented the introduction in some places of the practice of having some years, as a rule, intervene between First Communion and first confession. In other places, again, innovations have been more cautiously made either because first confession has not been put off so long or because consideration is had of the judgment of the parents who prefer that the children approach the sacrament of penance before First Communion.

The Current Common Practice Must Be Highly Regarded

5. The Supreme Pontiff, Pius X, has declared.- "The custom of not admitting children to confession or of never absolving them

2Cf. *Dog Const, on tbe Church,* n. 11.

when they have reached the use of reason must be totally condemned."[3] One can scarcely have regard for the right which baptized children have to confess their sins if at the start of the age of discretion they are not prepared for and gently led on to the sacrament of penance.

Also to be kept in view is the usefulness of confession which retains its efficacy even when there is question of only venial sins and which confers an increase of grace and of charity, increases the good dispositions of the child for the reception of the Eucharist, and helps in perfecting Christian living. As a result, exception cannot, seemingly, be taken against the usefulness of confession in the name of those penitential forms or of ministry of the word whereby the virtue of penance is aptly developed in the children but which can be fruitfully performed in conjunction with the sacrament of penance which has been prepared for by suitable catechesis. The pastoral experience of the Church, which is illustrated by very many testimonials, even today, teaches her how the age which is called that of discretion, is suited to bringing it about that baptismal grace with the help of a well-prepared reception of the sacrament of penance and the Eucharist brings forth first fruits which must be increased later with, of course, the help of continued catechesis.

After having weighed everything and having in view the common and general practice which cannot be directly derogated from without the approval of the Holy See, and after having heard the episcopal conferences, the said Holy See judges it fitting that the current custom in the Church of putting confession before First Communion be preserved. This in no wise prevents this custom from being carried out in various ways with the help of a common penitential celebration which may precede or follow access to the sacrament of penance.

The Holy See is not ignoring the special reasons and circumstances of various regions but it exhorts the bishops not to depart from the prevailing usage in this serious matter without first having entered into communication with the Holy Sec in a spirit of hierarchical communion. Neither should they in any way allow pastors or educators or religious institutes to begin or to continue to abandon the prevailing usage.

In regions, however, where new practices have been already introduced, which notably depart from the pristine practice, the

3Dccr. *Quam singulari,* VII *(AAS,* 2 [191 o], 583).

episcopal conferences will please subject those experiments to a new examination. And if they then wish to continue them for a longer time, they arc not to do so without first having had communication with the Apostolic See and being of one mind with the said See which will gladly listen to them.

AAS 64-97; S. C. Cler., directory, 11 April, 1971. Eng. vers, of the *Directory* itself is available in booklet form from the U. S. Catholic Conference, 1312 Massachusetts Ave., N. W., Washington, D. C., 20 5. Annotations in *Christ to the World,* 16 (1971), 393-399 (Daix); *Hom. and Past. Rev.,* 72 (Dec. 1971),7-24 (Wright); *Priest,* 28 (March 1972),! 1-19 (Mallon).

Dutch Catechism: Declaration of commission of cardinals, 15 Oct., 1968 (AAS 60-685); Eng. vers, in *Cath. Mind,* 67 (Jan., 1969), 1-3; *Clergy Rev.,* 54 (1969), 298-302. Annotations in *Monit. Eccles.,* 94 (1969), 23-25.

CANON 1350

Cooperation Between Bishops and Pontifical Missionary Works (S. C. Gent. Evang., 24 Feb., 1969) AAS 61-276.

Following is the instruction, *Quo aptius,* on the regulation of missionary cooperation of bishops relative to Pontifical Missionary Works as well as regarding particular diocesan endeavors for the benefit of the missions.

In order better to reduce to effect what has been decreed by the Second Vatican Ecumenical Council as well as by the supreme pontiffs for fostering orderly cooperation among Catholics with reference to the Church's missionary solicitude, some definite principles and norms must be set down.

Consequently, with the approval of the Supreme Pontiff, Paul VI, the Sacred Congregation for the Evangelization of Nations or for the Propagation of the Faith believed this momentous business should be treated in a plenary session. By reason of the new procedural plan provided for the said Congregation by the apostolic constitution, *Regimini Ecclesiae universae,*[1] such a session has turned out to be not only a legitimate and very apt instrument for forming a judgment on the aforementioned business, but also an appropriate

[1] Art. 83, §2; reported in *Canon Law Digest,* 6. p. 346.

center for passing decisions for the direction of the whole of the Church's missionary activity.

Therefore, to achieve this purpose, the said Sacred Congregation first called for proposals and suggestions on the topic from the episcopal conferences and from the national directors of pontifical missionary works. It then listened to the opinion of a select body of consultors. Finally it proposed the following two *questions* to the examination and decision of the first plenary session which was held at Rome from the 25th to the 28th of June, 1968:

A. delineation of the relations which ought to obtain between the Sacred Congregation for the Evangelization of Nations and the episcopal conferences relative to pontifical missionary works.

B.regulation of certain endeavors of dioceses in a territory governed by the common law for missions.

Λ. After having maturely considered all aspects of the first question, the Fathers of the plenary session believed that these *principles* should be especially recalled and confirmed:

1.Ail missionary cooperation must be arranged in an orderly way since it is part of that solicitude by which the bishops as "members of the episcopal college and the legitimate successors of the apostles" together with the Supreme Pontiff "are obliged for the sake of universal Church by reason of Christ's institution and command."[2]

2.To bring about this cooperation in the universal Church, however, the Supreme Pontiff, as far as his task is concerned, makes use particularly of his Missionary Works namely, the Society for the Propagation of the Faith, the Society of St. Peter the Apostle for Native Clergy, the Society of the Holy Childhood, the Missionary Union of the Clergy.

Since these Works are pontifical, they necessarily possess that preeminence which derives from the universality of such worksand which has been defined and confirmed by special statutes passed by the Holy Sec.[3]

Dog. const. *Lumen gentium,* n. 23.

^*General Statutes* of the Pious Work of the Propagation of the Faith (appendix to the *motu proprio, Romanorum Pontificum,* 3 May, 1922 — *AAS* 14 (1922), 326-328.

Statutes for (he Supreme General Council of the above work — *AAS* 14 (1922), 328-330.

General Statutes of the Pious Union of Missionary Clergy (appendix to the decree of S. C. Prop, I id., 4 April, 1926 – *AAS* 18 (1929). 231-235.

(J. *motu proprio, Decessor Noster,* 24 June, 1929, on coordination of pontifical missionary works – *AAS* 21 (1929), 342-345; *motu proprio. Vix ad*

3. Correspondingly, bishops in the discharge of their own missionary task "should by right give first place to those works since they are the means of imbuing Catholics straight from infancy with a universal and missionary viewpoint and of stirring up an efficacious collection of subsidies for the benefit of all missions in proportion to the needs of each one.4

4. The direction of these Works has been entrusted by the Supreme Pontiff to the Sacred Congregation for the Evangelization of Nations or the Propagation of the Faith to which, as a result, these Works are by special right subordinated.5

5. In the episcopal conferences there should be an Episcopal Commission for Missions to function as the chief immediate instrument for benefiting the said missions.6

6. I he principal functions of the episcopal commission are:

a) endeavors to foster the stirring up of missionary awareness and activity among the People of God and, especially, among the clergy.

b) the promotion of the pontifical missionary societies in every diocese and the responsibility for the due observance of the statutes of the said societies, particularly those that concern the forwarding of all contributions.7

c) the proposing to the episcopal conference of a definite sum proportionate to their resources which the individual dioceses, in accord with the wish of the Second Vatican Ecumenical Council, are obliged to give annually to the Holy See, that is, to the Congregation for the Evangelization of Nations, for distribution to the missions by the said Holy See.8

Summi Pontificatus, 24 June, 1929, in which the pontifical work "of St. Peter the Apostle" established for the native clergy is given its own definite *Statutes* – AAS 21 (1929), 345-349.

Instruction issued by S. C. Prop. Eid., 9 Mar., 1937 on the coordination of the Missionary Union of the Clergy with missionary works – .4/1S 29 (1937), 476-477. Grant of title "Pontifical" to this Union by the Supreme Pontiff, Pius XII, 28 Oct., 1956 – *Acta Pontificalium Operum,* 1957, p. 97.

Society of the Holy Childhood, *Regulation of the Society,* revised, 7 June, 1950 (Paris), 1951).

'Decree *Ad gentes divinitus,* η. 38. Cf. message of Pope Paul VI for mission day, 1968 *(AAS* 60 11968), 399); English version in *Catholic Mind, 66* (Oct., 1968), 61-64; *The Pope Speaks,* 1 3 (1968-69), 261-265.

sCf. *motu proprio, Ecclesiae Sanctae,* HI, 13, §2; reported in *Canon Law Digest,* 6, p. 295.

6Ibid., Ill, 9.

fbid., HI, 7.

8Cf. decree *Ad gentes divinitus,* η. 38; *m, p., Eccelsiae sanctae,* 111, 8.

d) précautions lest the particular missionary endeavors of the episcopal conferences turn out to be a source of harm to the pontifical missionary works and institutes as well as to other works which may have been set up in the country for the missions.

7. *a)* However, in order that greater unity and effectiveness may be obtained in missionary cooperation, no matter under what aspect it may be considered, the Episcopal Commission for Missions should make use of the National Mission Council which has been erected for this purpose9 and which is governed by the president of the said Commission. In accord with each one's competency, the following make up this Council: the president of the Pontifical Missionary Union of the Clergy, the national directors of pontifical missionary societies, some diocesan priests as well as delegates chosen by the Episcopal Commission, delegates of the missionary' institutes already existing in the country10 as well as of associations of lay people rendering help to the missions.

b) Where regional mission councils have been established, their mode of operation for harmonizing diocesan endeavors with pontifical missionary societies is governed in a way analogous to that for the National Mission Council.

On the other hand, after consideration of the statutes of the pontifical missionary societies, the Fathers proposed the following *norms* for the structure and mode of operation of the said societies in each nation:

1) Pontifical missionary societies should have a national director in each country whose function it is to promote and regulate those societies.

Moreover, the Pontifical Missionary Union of the Clergy, in addition to a national director, should also have a bishop president.

2) The nomination of the said directors and the above-mentioned president must be made in this manner:

The director of the Pontifical Missionary Union of the Clergy is nominated by the president of the said Union.

The director of the Pontifical Society of the Holy Childhood is nominated by the president of the Supreme General Council of the said Society with the consent of the episcopal conference.

The director of the Pontifical Societies of the Propagation of the faith and of St. Peter the Apostle for Native Clergy as well as the

9Λi. *p., Ecclesiae Sanctae,* III. II.
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bishop-president of the Pontifical Missionary Union of the Clergy are nominated by the Sacred Congregation for the Evangelization of Nations from three, if possible, candidates presented to the Sacred Congregation by the president of the episcopal conference in the name of the said conference.

3) Both the national directors of the pontifical missionary societies and the president of the Pontifical Missionary Union of the Clergy are nominated for a five-year term. They can, however, be confirmed for another five-year term.

4. The national directors of pontifical missionary societies must carefully observe in all tasks connected with the office committed to them, the statutes and other norms set down for this purpose by the Holy See. They will also diligently take care to make faithfully effective what may be prescribed in the aforesaid statutes and norms. Moreover, they shall faithfully forward, each to his general council, the complete contribution collected for the missions by the pontifical missionary societies.

Finally, with a view to obtaining better coordination between the activity of the Holy Sec and that of the episcopal conferences in their missionary collaboration, the Fathers of the plenary session strongly recommended in the Lord, these points to the above-mentioned episcopal conferences:

1) In order that what has been set forth in n. 3 of the principles mentioned above may be diligently and actually realized, the first place among the means for achieving missionary collaboration must be given to the pontifical missionary societies.

2) In the discharge of their office, they should be favorable to the president of the Pontifical Missionary Union of the Clergy' and to the national directors of the pontifical missionary societies in whom the Sacred Congregation for the Evangelization of Nations shows confidence.

3) In the deliberations and undertakings of the Episcopal Commission for Missions, they should willingly cooperate with the national directors of the pontifical missionary societies, in this plan the directors, thus knowing the mind of the local hierarchy, will be able to carry out their own assignment of promoting missionary' awareness and of collecting sufficient funds.

4) They should attend to bringing into actuality what is set down in principle 6, c), i.e., that, in addition to the offerings spontaneously given by the faithful to the pontifical missionary societies, a subsidy proportionate to their resources should be annually given by

the individual dioceses to the Sacred Congregation for the Evangelization of Nations.

B. .4s *for tbe second question, namely, regulation of certain endeavors of dioceses in a territory governed by the common law for missions:*

After weighing how necessary it is in this area of activity also that everything proceed in a correct and orderly way, the Fathers came to the conclusions set forth below:

1. Recognition and ready acceptance is to be given that special form of missionary activity of individual dioceses of a common law territory or even of the episcopal conference as such whereby diocesan priests and, with due observance of what must be observed, religious men and women as well as lay persons are sent to some mission circuit *(circumscriptio missionalis)* to collaborate there under the jurisdiction of the local Ordinary.[1]

2. In order to transfer this special form of mission activity or solicitude into actuality, prior consultation is required both with the episcopal conference to which the diocese of common law territory belongs as well as with the episcopal conference within whose boundary the mission circuit falls. Furthermore, the Sacred Congregation for the Evangelization of Nations should be informed of the matter.

3. All forms of this kind of direct collaboration of dioceses of common law territory with mission circuits, either as regards persons sent as mentioned in n. 1 above, or as regards financial support and foundations of societies having a missionary purpose, are highly commended, provided, however, that the pontifical missionary works and institutes do not suffer harm thereby.

All of this was reported by the undersigned cardinal prefect of this Sacred Congregation to His Holiness, Pope Paul VI, in the audience of the 6th day of the current month and year. The Supreme Pontiff has deigned to approve the above instruction and has ordered that it become part of public law.

Given at Rome, from the offices of the Sacred Congregation for the Evangelization of Nations or the Propagation of the Faith, on the feast of St. Matthias, the apostle, the 24th day of February, A.D. 1969.

[1] Cf. *Ad gentes divnitus,* nn. 38, 41, decree *Christus Dominus,* η. 6; message of Paul VI, *Africae Terrarum,* n. 26 (AAS 59 11967], 1088 English version in *African Ecclesiastical Review,* 10 (1968), 71-84).

A,\S 61-276; S. C. Gent. Evang., Instruction, 24 Feb., 1969. Annotations in *Clergy Monthly,* 33 (1969), 321-322 (De Letter); *Com. pro Relig.,* 48 (1969), 361-369 (Ting Pong Lee).

Local Ordinaries and Missionary Institutes in Mission Territories (S. C. Gent. Evang., 24 Feb., 1969) AAS 61-281.

This instruction, *Relationes in territoriis,* treats of "Certain principles and norms concerning the relations of local Ordinaries and missionary institutes* in mission territories."

Relations in mission territories between local Ordinaries and missionary institutes, especially those charged with the pastoral care of those territories, have, on occasion, because of circumstances of places and times, given rise to difficulties for whose solution the Sacred Congregation for the Evangelization of Nations or for the Propagation of the Faith, in view of the responsibility entrusted to it, has always been solicitous.

To be sure, nobody is ignorant of the outstanding and, oftentimes, the unique role the above-mentioned institutes have played in the establishment and development of the missions. As a result, it is easy to see how only a harmonious blending of these relations can make possible an orderly and effective zeal in preaching the gospel in mission territories as well as the very existence and consolidation of the ecclesiastical divisions erected in these territories.

Moreover, this state of affairs well brings out and proves the need of intervention by this Sacred Congregation so that, in its solicitude, it can consider appropriate norms for the daily new exigencies which flow from the changed configuration or juridical structure of the mission circuits *(circumscriptiones missionales).*

The norms of this kind had in the course of time multiplied and were at times mutually opposed. These norms were brought together into a sort of organized codification by the instruction issued by this Sacred Congregation on 8 December, 1929.' This instruction, as is evident, since it proceeded from the principle of the so-called "right of entrustment" *(ius commissionis)* whereby, that is, some mission

•OFFICIAL NOTE: By the designation, missionary institutes, arc included Orders, Congregations, Institutes and Associations of men or women which are working in the missions. Cf. *decree Ad gentes divinitus,* η. 23, note 4.

'/MS 22 (1930), 111-115; reported in *Canon Law Digest,* 1, pp. 637-643.

territory was entrusted to a certain specified institute for evangelization, necessarily had to center on and take a stand on defining only the relationship of the superior of the said institute to the vicar or prefect apostolic or to another like ecclesiastical superior.

On the other hand, during the recent past decades, some factsand changes have occurred which have partially rendered the said instruction ineffective, for example: the erection of a regular episcopal hierarchy which has taken place almost everywhere in the mission territories; the ever-increasing turning over of the cares of mission dioceses to the native secular clergy; and, very recently, the pronouncement of the Second Vatican Ecumenical Council which asserted anew and solemnly confirmed the theological and juridical principles on which the position of the residential bishop in the Church and in his diocese is firmly based.

Consequently, as a result of the above-mentioned changes, it is patently necessary to review completely, in the light of conciliar principles, the relations between local Ordinaries – for the most part diocesan bishops – and missionary institutes which, while they heretofore played the principal roles in mission work, have later, at times, transferred to the order more modest but not less important role of collaborators in that very work.

Therefore, to meet this need, the Sacred Congregation obtained positive statements from the more important episcopal conferences and missionary institutes, listened also to a special body of consuitors, and then, with the consent of the Supreme Pontiff, proposed the question to the examination and decision of the first plenary session2 which was held at Rome from the 25th to the 28th of June, 1968.

After a diligent and complete consideration of the issue, the Fathers of the plenary session believed the decision should be as follows:

1.The juridical system of entrustment treated of in the above-mentioned instruction is abrogated as regards dioceses of mission territories. Contrariwise, it continues to obtain in ecclesiastical mission circuits which have not yet been established as dioceses properly so-called.

2.The new juridical system which is being introduced as a substitute for the system of entrustment in the aforesaid dioceses,

*Cf. apost. const. *Regimini Ecclesiae universae,* art. 83, §2 (*AAS* 59 [1967], 916); reported in *Canon Law Digest,* 6, p. 346.

will be composed of a special form of collaboration of missionary institutes with the bishops of such dioceses and be called a "mandite."

3. Such a mandate is thus described: It is a charge which, upon the request of the bishop and after the institute itself has been heard, is given by the Supreme Authority of the Church to some institute to collaborate in a mission diocese with and under the said bishop in accord with a set contract.3

4. A mandate is given only if some institute as such has duly taken on the care of a determined territory or a definite missionary work of major importance in a diocese.

5. The Supreme Authority of the Church which is referred to in the aforesaid description as the mandator, must be understood to be the Sacred Congregation for the Evangelization of Nations or for the Propagation of the Faith which, in the name and by order of the Supreme Pontiff, directs and coordinates all missionary work in the whole world.4

6. By the term, *mandatary,* on the other hand, is understood the clerical or lay institute, whether of men or of women, which, in accord with its own nature, accepts the referred-to charge of collaboration.

The only person competent to undertake this sort of mandate is the superior general of the institute but he must act according to the norm of the constitutions or rules or statutes for the missions.

7. The purpose of the mandate is the safeguard of the rights and obligations of both the diocesan bishops in mission places and the institutes which carry out the collaboration charge. By means of the mandate, to be sure, the distribution of missionaries and resources becomes easier and more equitable; the function of the institutes becomes more effective in the Church; and the work of evangelization in the missions turns out to be enduring and coordinated.

8. Before petitioning a mandate, the bishop is obliged:

a) to search out the mind of the episcopal conference to which he belongs inasmuch as it belongs to the episcopal conferences in the missions, in conjunction with the Sacred Congregation for the Evangelization of Nations, "to look for a better way of distributing working forces (priests, catechists, institutes, etc.) in the territory."5

3Scc n. 14, *c)* below.

4Cf. decree *Ad gentes divinitus,* n. 29; *motu propno, Ecclesiae Sanctae,* III, 13, §1 (AAS 58 11966|, 785 – reported in *Canon Law Digest,* 6, p. 295).

SM. p., Ecclesiae Sanctae, III, 18. 4° *Canon Law Digest. 6,* p. 297.

b) to inform the Holy See in writing regarding this mind.

9. The mandate is given by a "decree" from the Sacred Congregation.

10. The mandate ceases only by its explicit revocation on the part of the Sacred Congregation which, however, will not take a step towards such a revocation without having first listened to both the bishop and the institute.

11. The bishop can admit into his diocese other institutes, even without a mandate, without being obliged to grant a prior hearing to the institute already in possession of a mandate, unless it has been otherwise stipulated in the contract. When a new institute is admitted without a mandate, the Sacred Congregation will not assume that special responsibility which flows from the grant of a mandate.

12. When the ecclesiastical circuits mentioned above are raised to dioceses, the juridical system of entrustment ceases. Nevertheless, in order to avoid difficulties, the bishop and the institute holding the right of entrustment should mutually agree on the manner of continuing the missionary apostolate in the place.

13. Relative to the rights and obligations of residential bishops in mission territories:

a) The Roman Pontiff has full, supreme, universal[6] and immediate power over the whole Church. Bishops govern the particular churches entrusted them with proper, ordinary and immediate[8] power. The exercise of episcopal power is ultimately regulated by the Roman Pontiff and, with a view to the benefit of the Church or of the faithful, can be circumscribed with definite limitations.[9] On the other hand, in the exercise of this supreme power, the Roman Pontiff uses the departments of the Roman Curia.[10] Thus, there is one department which is competent for all the missions and for all missionary activity, namely, the Sacred Congregation for the Evangelization of Nations or for the Propagation of the Faith. To it belongs the task of directing and coordinating all missionary activity and, as a consequence, of distributing missionaries according to the more urgent needs in the various regions of the world.[11]

6 Cf. const. *Lumen gentium,* n. 22.

7 Cf. decree *Christus Dominus,* n. 2.

8 Cf. *Lumen gentium,* n. 27.

9 Cf. *ibid*

10 *Chnstus Dominus,* n. 9.

11 Cf. *Ad gentes divinitus,* n. 29; *m. p. Ecclesiae Sanctae,* III, 13 §1; ap. const. *Regimini Ecclesiae universae,* an. 82.

b) And yet the exercise of episcopal power in mission dioceses must be such that the bishop as the director and center of unity in the diocesan apostolate, is able to promote, moderate and coordinate missionary activity in such wise, however, that he preserves and fosters the spontaneous zeal of those having a role in the missionary work, very especially of the institutes which render collaboration.12

14. Relative to the rights and obligations of missionary institutes in mission territories:

a) Institutes which through the course of centuries have zealously worked for the preaching of the gospel and for the establishment of the Church, ought still be recognized by the bishops in missionary territories as an instrument of great benefit to such dioceses.13 indeed, the collaboration rendered by those institutes makes it possible for missionary bishops to carry on the work of evangelization more effectively. Furthermore, even in mission territories, those institutes cannot be prohibited the exercise of the right to preserve their own particular character and due autonomy.14 Neither can they be prohibited the right to establish houses according to the norm of law and to foster vocations to their institute.15 As a result, individual members of the faithful can freely enter their way in accordance with the inspiration received from the Lord.1617

b) On the other hand, the said institutes by their zeal and experience will render service and assistance to the missionary bishops under the jurisdiction of the said bishops and thus contribute a genuine and effective collaboration in the work of evangelization. This collaboration which in a special way is performed by the members of the institute who arc missioned out as well as by appropriately rendered resources, must be employed both in the care of souls and in particular functions discharged for the common good of the mission territory.17

c) However, in order to foster fruitful collaboration, contracts should be entered into between the local Ordinaries and the missionary institutes for the regulation of their mutual relations. The Sacred Congregation for the Evangelization of Nations has already

12Cf. *Ad gentes divinitus,* η. 30.

13Cf. ibid., n. 27.

14Cf. decree *Perfectae caritatis,* η. 2, b); decree *Christus Dominus,* n. 35. 2)-5).

15Cf. *Ad gentes divinitus,* n. 18.

16Cf. *Lumen gentium,* n. 43.

17Cf. *Ad gentes divinitus,* n. 27.

recommended such contracts in the instruction[18] previously referred to and the Second Vatican Ecumenical Council and the Supreme Pontiff have now explicitly decreed It.[19] Bu such contracts not only the harmony and peace which are necessary for every form of sacred ministry but also the stability which both the missions themselves and the institutes so greatly need, are more readily realized. These contracts should, therefore, accurately and clearly indicate, among other things, the charge undertaken by the institutes and the manner of collaborating with the local Ordinaries. With reference to the missionaries, the contracts should likewise define the number of missionaries, the right of presenting and nominating them for various duties as well as everything relative to their transfer, removal or replacement.

d) Finally, the members of such institutes in performing their activity, are obliged to observe the norms and other precepts given by the bishops or by the episcopal conference regarding pastoral and social activity as well as liturgical and ecclesiastical discipline.

15. As regards the relations between local Ordinaries and missionary institutes in the matter of temporal goods and their administration, the Fathers of the plenary session, because of the complexity of the matter and the diversity of circumstances in the different mission areas, thought it appropriate to recall to mind some general principles on this topic and leave to the Sacred Dicastery for the Evangelization of Nations the task of preparing a special instruction after an investigation had been carried out on this question with every aspect of it seriously considered.

Meanwhile, however, the following principles should be attended to:

a) Concerning ecclesiastical property: Property of moral persons which depend directly on the local Ordinary (e.g., property of the diocese, parishes, etc.) must be administered in accord with common law. Property of moral persons which depend on the institute (e.g., property of house, provinces, etc.) is administered in accord with common law and the constitutions or rules of the institute as well as the statutes for the missions.

b Concerning alms: In the first place, it should always be kept in mind that the supreme norm in this matter is the will of the bene-

[1] 8AAS 22 (1 30), 113; *Cation Law Digest,* 1, p. 640.

[2] Cf. *Ad gentes divinitus,* η. 32; *tn. p. Ecclesiae Sanctae,* IIf, 17.

[2] Cf. *Adgentes divinitus,* n. 30; *tn. p. Ecclesiae Sanctae,* I, 25-26

factor, whether explicitly or implicitly manifested. Wherefore, alms received for a difinite mission circuit or for the missions of a determined institute must be turned over to whoever governs the aforesaid circuit or institute. On the other hand, alms which are given to the missionaries personally belong to the missionary himself or to the institute according to the constitutions or rules of the said institute or according to the statutes for the missions.

16. What has been set forth in this instruction regarding the rights and obligations of the bishops and other local Ordinaries in mission territories and of institutes affording collaboration there as well as regarding the other principles defined in this instruction must be considered as the source and foundation for those contracts to be negotiated between local Ordinaries and missionary institutes as mentioned above in n. 14, *c)*.

In order that the execution of this instruction may proceed in a more orderly manner, this Sacred Congregation advises all concerned not to make any immediate change. Local Ordinaries and superiors of missionary institutes should see to it that within a year from the date of promulgation of this instruction, their mutual relations should, by common counsel, be adapted to these new norms.

All of this was reported by the undersigned cardinal prefect of this Sacred Congregation to His Holiness, Pope Paul VI, in the audience of the 6th day of the current month and year. The Supreme Pontiff has deigned to approve the above instruction and to bolster it with his apostolic authority, all things to the contrary notwithstanding, even those deserving special mention. He also ordered that this instruction be duly promulgated.

Given at Rome, from the offices of the Sacred Congregation for the Evangelization of Nations or for the Propagation of the Faith, on the feast of St. Matthias, the apostle, the 24th day of February, A.D. 1969.

AAS 61-281; S. C. Gent. Evang., Instruction, 24 Feb., 1969.

NOTE; The date of promulgation in AAS was 30 April, 1969. Annotations in *Clergy Monthly,* 33 (1969), 321-322 (De Letter); *Corn, pro Relig.,* 61 (1970), 34-54 (Ting Pong Lee).

Contract Form Between Local Ordinaries and Missionary Institutes in Mission Territories (S. C. Gent. Evang., 1969) Private.

The S. C. for the Evangelization of Nations, as a help to implementing its instruction, *Relationes in territoriis,*[1] issued "suggested forms of contract" which were given in three languages: Latin, English, French. Following is English text issued by the Sacred Congregation.

SUGGESTED FORMS OF CONTRACT IN MISSION TERRITORIES, BETWEEN RESIDENTIAL BISHOPS, OR OTHER LOCAL ORDINARIES, AND MISSIONARY INSTITUTES

A - *Suggested form of contract under the new juridical system of mandates, in accordance with the instruction of the Sacred Congregation for the Evangelization of Nations, "Relationes in territoriis missionum," of 24 February, 1969.*

Preliminary Remarks

1. A mandate, as understood here, is a charge for the settingup, in mission territories, of a special form of cooperation between the Residential Bishops and Missionary Institutes. The charge is conferred by the Sacred Congregation for the Evangelization of Nations, *but only when a bishop freely and of bis own accord asks for it.* The institute, by virtue of the mandate, will cooperate in a special way in the work of a missionary diocese, with and under the bishop, who is "the director and unifying centre of diocesan apostolate," and *in accordance with a contract mutualy agreed upon by both parties* (cf. nos. 3 and 5).[2]

2. A mandate may be given to any clerical or lay institute, of men or of women, which is able and willing to undertake such cooperation, provided the institute as such, through its superior general and in accordance with its constitutions or rules or its statutes for the missions, duly assumes the responsibility for a particular territory or for a definite missionary work of some importance within the diocese (cf. nos. 4 and 6).

3. As the purpose of a mandate is not merely to safeguard the rights and duties of the two contracting parties but also to facilitate

[1] Published in **MS** 61 (1969), 281 ff, reported above under this same canon.
[2] The reference numbers are to the sections of the cited instruction.

a more equitable distribution of missionary personnel and financial aid, a bishop, before requesting a mandate, must seek the opinion of the episcopal conference to which he belongs and inform the Holy See about it in writing (cf. nos. 7 and 8).

4. A mandate, which is granted by an appropriate decree of the Sacred Congregation for the Evangelization of Nations, is terminated only when explicitly revoked by the same Sacred Congregation after consultation with the bishop and the institute (cf. nos. 9 and 10).

5. A bishop may admit other missionary institutes, with or without a mandate, into his diocese for various regions and works, without first consulting the institute to which a prior mandate was given, unless the contract drawn up between them specifies otherwise (cf. no. 11).

6. In signing contracts or agreements, whether general or particular, special attention should be paid to the provisions of nos. 13, 14 and 16 of the above-mentioned instruction of the Sacred Congregation, and they should be applied accurately to the case in question.

7. In order to promote unity between the different cooperators in a diocese, it is recommended that members of missionary institutes have a place in the presbyteral and parish councils, the number of members being specified in the contract.

8. The form of contract given below is provided only by way of suggestion and in order to facilitate the task of the contracting parties; *it is by no means obligatory*. The two parties may draw up their contract in the terms given below or in another form if they prefer, provided that the prescriptions in no. 14 (c) of the instruction be respected.

Contract

Contracting parties

Bishop N.N., as Ordinary of the Diocese of. . ., and in its name, with the consent of the diocesan council and having consulted those concerned

and

the Very Rev. Fr. N.N., Provincial Superior of the . . . Congregation in . . ., duly authorized by the Superior General in accordance with the constitutions, by mutual consent make the following contract, which, however, shall not bind the contracting parties until it has been signed by the Superior General of the Institute and

confirmed by the Sacred Congregation for the Evangelization of Nations with a decree of mandate.

Object of the contract.

1. The Local Ordinary by this agreement confers on the Institute the task of exercising the pastoral care of souls and of promoting works of the apostolate, under the direction of the Bishop, in the whole Diocese of . . . (or in a determined part of the Diocese).

Note: The pastoral office conferred by this document may include, apart from parishes and mission stations, other functions which the Bishop may decide to confer on members of the Institute, such as any kind of administrative function, even in the Diocesan Curia, the running of a Diocesan seminary, the direction of schools, other educational assignments, social works, etc. These should all be clearly and accurately described in the agreement.

Personnel.

2. Having undertaken these responsibilities, the Institute will assign to the Diocese, and leave in it, . . . (e.g., 20) suitable members (priests and/or others), who have been medically certified as fit for the work, and will assist them, even with material aid, according to their needs and to the Institute's ability, and in accordance with norms to be agreed upon.

Authority.

3. The members of the Institute, whether clerical or lay, are immediately and completely subject to the jurisdiction, inspection and correction of the Local Ordinary with regard to everything that concerns the ministry undertaken in the Diocese, with the sole exception of religious observance. As regards religious discipline, they are subject to their own superior, who alone has the right to inquire into such matters and to take disciplinary action, if necessary (cf. can. 630, §2).

4. It is the task of the religious to propose or present members to the Bishop for the various functions in the Diocese. The Bishop appoints them to the functions and gives them the necessary jurisdiction. Normally it will be the Religious Superior who will notify the member of his appointment.

Notes (a) If the Missionary Institute is not a religious institute, greater liberty in the assigning of members to various ministries may be granted to the Bishop in the contract.

(b) The cooperation of the members of the Institute with other priests or religious engaged in diocesan work should be so arranged that it will not be an obstacle to common life in accordance with their own constituions. In particular, it should be determined whether the members will be assigned to the same work (e.g., in the same parish) as members of the secular clergy or of the other institutes, and whether they will, if necessary, live with them.

5. The transfer of a member to another function within the Diocese, or his withdrawal from the Diocese, will, as far as possible, be decided in good time (e.g., six months before) by both authorities in consultation with each other and with the regard for the member concerned.

6. The removal of a member from a function entrusted to him in the Diocese can be decided for a grave reason and with equal right either by the Local Ordinary or by the Superior, each having notified the other but without the other's consent being required (can. 454). It is not necessary for the one to reveal, and still less to prove, the grounds of his decision to the other, though the latter may subsequently have recourse *in devolutivo* to the Holy See. The member concerned will be given full opportunity to state his case.

7.Provided the prescriptions of canon law are observed, the Institute in the Diocese for which it has received a mandate, may possess or erect its own houses, exercise the sacred ministry and perform the other good works proper to the Institute (cf. can. 497, §2). I his applies in particular to houses of the Institute which are destined for the promotion of religious vocations or the formation of candidates.

Temporal goods.

8. I he ownership and administration of goods which belong to the Diocese and its works are regulated by the general norms of canon law and by particular prescriptions established by the Bishop or the episcopal conference. Λη account of the administration of these goods will be given to the episcopal curia at least once a year, the Superior always maintaining the right of vigilance in accordance with canon 630, §4.

The ownership and administration of goods which belong to the Institute and its works are regulated by the general norms of canon law and by the prescriptions of the Institute's particular law. An inventory of the goods of both the Institute and the Diocese is appended to the contract.

9. The needs of the diocesan works and of the members of the Institute who are engaged in them will be provided for by the Ordinary, either directly or indirectly, i.e., either by parishes or missions which have sufficient revenue and can by themselves meet the needs of the pastor and his assistants, or by grants from diocesan or episcopal funds.

10. Expenses for such things as retreats and refresher courses for members attached to the Diocese will be met (either by the Institute alone or) by both authorities in suitable proportion. Expenses for representatives sent to some function or meeting will be met by that authority, diocesan or religious, which decides to send the representatives.

11.Expenses for medical treatment for members of the Institute assigned to the Diocese will be paid by the Ordinary. If a member, after at least two years' work for the Diocese, should become ill and incapable of further work, the expense of caring for him will be borne by both authorities in suitable proportion.

Note: This may be done either directly or indirectly, e.g., by health insurance schemes, etc., according to local conditions.

12.Expenses for journeys – to the missions or to one's home country, or other countries, e.g., for vacation – will be met by ...

Note: When they arc met partially by both parties, the proportion should be specified here.

13.Mass stipends in themselves belong to the priests or the Institute according to its constitutions. Stole fees received by members of the Institute will be used for their support.

14. Gifts and subsidies offered or collected for a determined work in the Diocese will go to that work. Gifts and subsidies for the missions of the Diocese in general will belong to the Diocese itself.

15.Gifts fo." the Institute as such or for an individual member of it working in the Diocese, if they are given *intuitu personae,* will go to the member of the Institute according to its constitutions.

Note: With regard to salaries paid by the government or other institutions for work done by members of the Institute in the Diocese, natural equity will be observed, consideration being given also to the obligations of the Diocese or the Institute.

General

16. I he clauses of this contract will be interpreted in an equitable manner and according to pastoral criteria.

17. The contract, after confirmation by the Holy See, cannot be rescinded or substantially changed without the Holy See's approval.

18. The contract will be binding for . . . years and will be considered as renewed unless cither party gives notice of wishing to terminate it . . . (e.g., six) months before its expiry date. The Sacred Congregation for the Evangelization of Nations will be informed of this intention.

The above is approved and signed and sealed by

For the Diocese of..... For the Institute of.....

Bishop and Local Ordinary Superior General

Notes: (a) The Sacred Congregation for the Evangelization of Nations ratifies and confirms the above contract and by means of a decree grants the mandate requested by the Bishop to the aforesaid Institute.

(b) If the mandate is granted for a limited and specific activity, e.g., the running of Catholic schools or a social work, the articles of the contract arc to be appropriately changed.

B - *Suggested form of contract when there is not a mandate.*

Preliminary Remarks

1. The form of contract given below is provided only by way of suggestion and in order to facilitate the task of the contracting parties. It is in no way obligatory, and the parties may therefore add to it or change the wording to suit their purposes, provided there is nothing in their contract that is contrary to canon law. Changes will be necessary particularly in contracts drawn up with lay institutes of men or of women.

2. The form given below is provided as a model only for contracts between a Local Ordinary (Bishop, Vicar Apostolic, or Prefect Apostolic) and the Superior of a missionary institute. In other contracts the parties will decide, freely and by mutual consent, on the form to be used.

3. Such apropriate contracts are already mentioned by the Sacred Congregation de Propaganda Fide in its instruction of 8 December, 1929 *(AAS,* XXII, 1930, p. 113)? The Second Vatican Council recommended them in the decree, *Ad gentes,* no. 32, and they were again referred to in the *motu proprio, Ecclesiae Sanctae,* of 6 August, 1966 (I, no. 33, and III, no. 17)? General principles

'Reported in *Canon Law Digest,* 1, pp. 637-643.

4 Reported in *Canon Law Digest, 6, pp.* 280 and 296 respectively.

concerning them were given in the instruction of the S. C. for the Evangelization of Nations, *Relationes in territoriis missionum,* of 24 February, 1969.5

4. In order to promote unity between the different cooperators in a Diocese, it is recommended that members of missionary' institutes have a place in the presbyteral and pastoral council where these exist – the number of members being specified in the contract.

Contract

Contracting parties

Bishop N.N., as Ordinary of the Diocese of . . . and in its name, with the consent of his council and having consulted those concerned

and

The Very Rev. Fr. N.N., Provincial Superior of the . . . Congregation in . . ., duly authorized by the Superior General in accordance with the constitutions, make the following contract by mutual consent.

Object of the contract.

1. The Ordinary entrusts to the Institute the following works: the parishes of . . ., or the mission stations of . . ., or the direction and administration of the school or hospital or orphanage of . . .

Note: The works entrusted should be specified accurately' and in detail.

2.The Institute accepts the charge of the above works for a period of . . . years, in accordance with canon law and under the direction of the Local Ordinary and will, in so far as it is possible, assign ... of its members to the works.

Note The period of time assigned should not be too short, especially if the members will have to learn a difficult language or if the Institute will have to go to great expense in constructing buildings, etc. A work which of its nature is perpetual, may *be entrusted to the Institute in perpetuity;* in fact, this is even to be recommended in some cases, for instance, where the work is in accordance with the specific end of the Institute and the Institute has members who are native to the country.

5 Reported above under this same canon.

Authority.

3. Clerics who will be encrusted with the care of souls in parishes or mission stations are to be proposed or presented by the Superior of the Institute, but will be appointed by the Local Ordinary.

4. The Superiors or Directors of works entrusted to the Institute, and their assistants, will be appointed by the Superior General of the Institute (or the Provincial), after consultation with the Ordinary.

5. Teachers of religion require the approval, at least habitual, of the Ordinary.

6. The direction of the work (admission of pupils, timetable, syllabus, etc.) will be in the hands of the Institute, but under the vigilance of the Local Ordinary and in accordance with the norms of all pertinent law.

Note. The dispositions of this paragraph will be changed according to the different circumstances of the work.

(a) If the work, which is the object of the contract, was founded by the Institute itself, or is to be founded by it, at its own expense, greater autonomy will be given to it, always under the vigilance of the Ordinary in accordance with canon law.

(b) If, on the contrary, the work was founded, or is it to be founded, by the Diocese at diocesan expense, its real director is the Ordinary who will, as a rule, name a member of the Institute as director delegate. In such cases, the Institute will not be autonomous in the direction of the work, except in what concerns the religious life of its members.

(c) If the work is founded by the Institute but needs diocesan aid, or vice versa, the contract will clearly specify the rights and duties of both parties.

7. At the request of the Ordinary and with the consent of the Institute's Superior, members of the Institute may also cooperate in diocesan works that are not entrusted to the Institute.

8. The Institute has the right to admit, in accordance with its constitutions, aspirants, postulants and novices from the Diocese.

Temporal goods.

9. Appended to the contract is an inventory' of the property of the Institute and of the property of the Diocese which is entrusted to the Institute for its use, usufruct and administration.

10. The administration of the diocesan property mentioned above will be carried out in accordance with the norms of common law and the prescriptions laid down by the episcopal conference or

by the Ordinary himself. The administration of the Institute's property will be carried out in accordance with common law and the constitutions of the Institute.

Income and expenditure.

11. The income from the works of the Institute, received under whatever title, will go to the Institute.

Note: Or to the Diocese if the work belongs to the Diocese (cf. *Note* to no. 6).

12. Income earned by members of the Institute through their own industry will go to the Institute or to the members according to the constitutions.

13. All expenses, both for the development of the Institute's works and for the support of the members will be met by the Institute.

Note: Or by the Diocese when the work belongs to the Diocese (cf. *Note* to no. 6). In this case a note should be added concerning the support of the members, such as the following:

Expenses for the support of the members comprise:

(a) food, clothing, lodging.

(b) expenses for medical treatment (for which a system of health insurance is recommended), for recreation, journeys, etc. In general, the remuneration given to members of the Institute for their service to the Diocese should be such as to cover fully the ordinary expenses that the Institute has to meet for the support of the members. Consequently, an agreement should be reached concerning the sum to be paid by the Ordinary each month.

Conclusion

The present contract may be changed or revoked by *mutual consent* even before the date of expiry. It may also be extended by mutual consent. It will be deemed to be extended for a further period of . . . years unless . . . years (or months) before its expiry date one or the other party should indicate in writing its intentions of withdrawing from the contract.

Note It is not necessary for the contract to be submitted to the Holy See for approval. It may also be changed or extended, by

mutual consent, without recourse to the Holy See. Recourse may be had to the Holy See in case of conflict.

For the Diocese of	For the Institute of.....
Local Ordinary	Provincial Superior
	(and/or Superior General)

(Private); S. C. Gent. Evang., contract forms, 1969, reported in *Htbliographia Missionaria,* 33 (1969), 197-208; Latin and French versions in same volume at pp. 186-196 and 209-220 respectively.

Pontifical Missionary Works: Paul VI, allocution to national directors and to members of, at annual meeting in Rome, 13 May, 1971 (AAS 63-462); 19 May, 1972 (AAS 64-425).

Society for the Propagation of the Faith. See c. 252.

World Mission Day: Paul VI, written message:

1968: 2 June (AAS 60-399); English version in *Cath. Mind,* 66 (Oct. 1968), 61-64; *T.P.S.,* 13 (1968), 261-265.

1970: 5 June (AAS 62-543); English version in *Catb. Mind,* 68 (Oct. 1970),44-48. *Christ to tbe World,* 15 (1970), 350-354, *T.P.S.,* 15 (1970), 103-107.

1971: 25 June (in English: AAS 63-570); allocution at Masson that date, 24 Oct., 1971 (AAS 63-824).

1972: 21 May (AAS 64-446); English version in *T.P.S..* 17 (1972), 108-113.

CANON 1353

Vocations: Annual day of prayer for priestly and religious. *See* c. 487.

Pastoral care and promotion, S. C. Inst. Cath., 6 Jan., 1970, sect. II (AAS 62-321). *See* c. 1365 for references.

CANON 1354

Division of Seminaries Into Small Communities (S. C. Inst. Cath., 23 May. 1968) Private,

The following letter is headed: "The mind of the S. C. for Catholic Education concerning the division of seminaries into small communities scattered through various places."

The following question has been proposed to this Congregation *Is it possible to conceive of a seminary divided into small communities dispersed in a city, each one of which would be connected with a parish set-up?*

It is true to say that the question is not new and, under one form or another as a simple question, a suggestion, a review article, or even an actual experiment it has already come to this Congregation.

The concrete experiments which can be referred to are often those of the John XXIII Seminary at Louvain, the Seminary for Delayed Vocations at San Juan de las Missiones in Paraguay, and the Seminary of the Northeast at Recife. These experiments, about which there is much ado, are most often cited as perfectly well known. However, one cannot speak of them unless he has direct knowledge because they present themselves in circumstances very different from those commonly attributed to them:

The Belgian seminary concerns only the years of philosophy and in no way affects a dispersion in a city, 'rhe small communities occupy lodgings on a unique campus and the arrangement, with a priest present in each community, admits of a truly communal life from the viewpoint of a liturgical particularity.

The Paraguayan seminary is an extremely modest actualization. It docs not admit of a theology course and is concerned only with delayed vocations. It has only some ten students – in the confines of a quite small city where one cannot speak of dispersion.

As regards the experiment of the Seminary of the Northeast, a plan had been conceived which effectively dispersed the communities very broadly. This plan has been judged incompatible with a genuine unity and with the conditions of real formation. In order to meet the immediate situation, it has been brought back as a project more conformed to the exigencies of a seminary, in a very much more restrained space, with a very effective priestly presence. Moreover, this solution is considered as totally provisional and in nowise as setting a pattern for lawmaking.

Therefore, it is with extreme prudence that invocation of these precedents is to be made here. It is necessary to make a response to the question raised at the outset both by analyzing the reasons why this question is raised, and by recalling what the Church's basis and lasting thought is in these matters.

What, then, are the *general reasons* which lead a person to thinking about fragmenting a seminary into small communities? These reasons are certainly not without value, depending on the exact interpretation a person gives them. But they cannot go without examination and a serious review bearing on the *dangers to he avoided.* We are led, then, to return to *tbe circumstances of tbe existence and tbe function* of an authentic seminary and, by way of

consequence, to recognize as the sole possible and reasonable formula one which is much more limited than that which is envisaged in the question posed.

To ubat basic reasons does tbe prospect of a fragmented seminary respond? Two can be discerned of unquestionable value: the neccs-sity of a formation in which one's personality can be developed and exercised; the necessity or the desire for real involvement in the life of the Church and of the world.

It is to the Council itself and, in particular, to the Decree on the Formation of Priests, that a person can legitimately refer to demand that a seminary foster the cultivation of personality, initiative, effective undertaking of responsibilities. This desire of the young, which is a requirement of the Church, cannot be satisfied where it does not matter what may be the conditions of the material set-up and of organization. In particular, the assemblage of a considerable crowd in only one building without interior divisions seems in-compatible with development of the personality of future priests and produces in their consciousness a real repugnance and irritation. In fact, the orderly functioning of a crowd is impossible without the support of a severe "discipline" which is a commodity for the "guardians of order," but dispenses with stimulating each one to the necessary initiatives and creates in the psychology of today's youth an insurmountable sentiment of dissatisfaction. Minute regulation can in fact serve and has been able to serve the formation of souls of great virtue who accepted and saw immediately in each detail an expression of the Will of God. But it must also be recognized that it has equally often been able to be a short-cut procedure for dispensing with a real effort at education which is difficult and personal. The general atmosphere has become such that it is neces-sary to find an organization where the active cooperation of each one may be an essential condition for formation. And there does not seem to be any reason for regret.

'finis it is that the idea of fragmentation of the seminary little by little comes to light under all sorts of forms and in different degrees from the simple set-up to the "dispersion" which is the object of demand today.

But this is not the only aspect of the matter. Another aspect can be discerned more or less formally. Actually, the consciousness of today's youth is profoundly sensitive to the fact that the seminary under its classic form of only one house which is more or less closed in, creates and maintains an atmosphere very different from the real atmosphere. The young man experiences uneasiness at feeling him-

self thus put into an artificial situation and he has an undefined dread of finding himself one day plunged into reality by his ministry with the resources of an education which is absolutely foreign to it. Undoubtedly, a large part of this sentiment must be attributed to the generalized hesitation of the young people to becoming committed. However, the necessary opening for a true, pastoral formation naturally enough takes the form of a desire of "insertion" and, as a consequence, – because one does not see under what different form such an insertion can be realized – of a desire of division into small communities participating in the real life of human beings, or at least of priests.

Undoubtedly, these are the two fundamental aspirations from which the idea of dispersion of the seminary takes its source. These two aspirations cannot be considered as lacking value. They certainly present an in-depth, true view to which the seminary must render satisfaction.

Perhaps it is equally necessary to attribute a certain influence, at least imaginative, to the image which is presented here and there by the ever greater need of a "concentration" – which is the term used for this phenomenon in Holland. Indeed, the reduction of personnel, the dearth of teachers, the concern for mutual aid for a better quality of education conduce to envisaging the creation of satellite units around a center of education, each one of which corresponds or would correspond either to a religious congregation or to an organized diocese. Even if such an organization does not respond precisely to the question posed, it is not, perhaps, without influence for giving rise to it.

Whatever may be the value of the reasons which we have set forth, it is impossible to doubt that it becomes complicated in the psychology of young people, especially on account of the quantity of less valid or less controlled aspirations which can constitute so many real dangers and which, as a result, must be forestalled.

The first and most evident danger is the shifting from pursuit of a personalized education to the pursuit of a totally independent existence. An education which would not lead to discovering and accepting authority – that of a superior and even that of a rule – would not merit the name of education and in reality would be only a surrender of responsibility. Especially as regards today's generation, the discovery of authority and of compliance cannot be achieved without a great effort: there can be no backing off before this fundamental need and, as a consequence, there must be careful prevention of what, in an organization, would signify a yielding and

jn abandonment of principles. Therefore, if the seminary must gradually respond to the legitimate request of young people, who feel repugnance at being passive and anonymous elements in a mass: if, despite the burdens of this commitment, there must equally be acceptance of the servitude *of* a permanent dialogue, this must be done in such a context that it represents not an obstacle but a means to discovery of the deep-seated law of a common life in the Church which is that of compliance, voluntary but real, frank but without equivocation, free but not renunciative..

Λ second danger is that of an analogous shifting between the necessity of contact with reality in the illusion of a pseudo-experience or the confusion entertained without distinction between the condition of a priest and the condition of a lay person.

Indeed, a genuine education must instead give consciousness of that which is new and unforeseeable in every experience rather than pretend to supply it by participation. Nothing is more dangerous for a young person than to arrive at contact with life with the illusion of having nothing more to learn from it. Moreover, many of the deep wishes of the soul of the young call more for an internal recasting of the life of the seminary than for its premature opening up. This is often a lazy man's solution on the part of authority. For example, the pastoral orientation of education will much more be the fruit of restructuring of this education from within than a pursuit of so-called pastoral extensions or applications.

Actually, again, the very greatest peril among those which threaten the priestly life consists, by way of response to the demands of lost contact, in searching along the line of assimilation between the condition of the priest and that of the lay person to the extent of wiping out all essential difference between the two. These are not imaginary dangers and a seminary administration which would disregard them, would betray the responsibilities entrusted to it by the Church for the formation of priests.

Connected with these latter remarks is the idea, quite frequently expressed, of turning the years of priestly formation into years of heavy labor, and even of salaried labor, with the exercise of this labor being more or less completely combined with intellectual labor and spiritual preparation. The idea of some experiences in this order can possibly be accepted a certain idea of "stages" may respond to it and in certain countries the holidays are regularly devoted to it in order to earn living expenses at the seminary but appeasement between serious manual labor and the preparation proper to the seminary seems to be absolutely excluded in the name of the

physical health of the young men or of their serious studies. The one or the other would, without fail, be sacrificed.

Finally, the last serious danger which must be considered is that of disregarding the exceptional qualification which ought to mark an educator of priests today. Every seminary administration which would agree to hand over almost the entire formation of the young to men or to a man whose balance, judgment, authority, would not be perfect, would be a condemnable administration. No economizing of manpower is possible today in the face of the kind of young persons who present themselves and in the face of the Church's problems.

All these observations should conduce to the rediscovery of some of the conditions essential to the institution of the kind of seminary which the Church has not ceased to intend, to its definition and to its life since generations past.

Whatever kind of material representation there may be, which can be fashioned from across the centuries, of the seminary, of the house which sheltered it, of the framework in which it was situated, nevertheless, there is a certain number of laws which could not be set aside without emptying of their content all the words by which the structure of the seminary continues to be expressed.

It would be impossible any longer to speak of a seminary where all genuine unity would have ceased to exist. The seminar}' constitutes a truly organized composite, such that the function of him who is responsible, could once more have a serious significance. The personal presence of the one responsible to all those of whom he has charge constitutes the foundation of the very being of a seminary.

Moreover, the idea of a seminary includes a real corporate unity around the main authority among those responsible for education and formation. Traditionally, the seminary has been effectuated in some very different conditions. For example, from the viewpoint of spiritual direction, in one place it is entrusted to one person alone, elsewhere to several or to all, but professors, directors, rector or superior have always needed to constitute a "body." Never more than today has such a unity been imperative in the face of new circumstances and of constantly recurring problems. In particular, many of the deficiencies have derived from the fact that the seminary dissociates the intellectual formation and the spiritual formation. Further, in the eyes of the bishop the seminary carries the responsibility of presenting the future priests at his call. This responsibility is carried by the entire formation council of the seminary who are not to be deficient in their complemental

judgment for formulating an evaluation of such considerable importance. We can no longer speak of a seminary where this habitual encounter and this consultation arc no longer possible or become formalistic.

Consequently, as we may say, the set-up of the seminary ought to be capable of preparing for life in the priestly community. It ought to make living the experience of a community in pursuit of the common good where each one contributes his personal, irreplaceable cooperation but, in the end, accepts the decisive judgment of competent authority; of a community where the liturgical life is presented not as a simple personal experience or as the experience of one chapel group, but as the very experience of the Church passed on by those who have charge of it to a gathering which is sufficiently numerous and cohesive.

Perhaps it is possible, by means of the preceding reflections, to give an answer to the question posed at the outset.

It does not seem that the idea of a seminary fragmented into small communities dispersed in a city can be accepted without losing something essential of what the Church calls a seminary. Indeed, habitual and regular contact is no longer possible as could still be done if there is question only of buildings separated but laid out on one sole campus as is the case, for example, at the seminary at Buffalo in America, or also at the Seminary of John XXIII, whereas, in the hypothesis of communities dispersed in a city, all effective unity of direction becomes practically impossible. Besides, this demands the kind of diocese where a likeminded group of men with adequate qualification could be assembled to take on the responsibility for those single small "seminary communities."

Furthermore, every change which would create a truly new situation with regard to practices would require, in order to be acceptable, the consent of the entire Conference within the framework of a *Ratio Institutionis* approved by the Holy See.

In short, if the interest and the legitimacy of the preoccupations which inspire such pursuits must be recognized, it is necessarily desirable that no actualization be prematurely made to appear to give a total and rude response: this, by its radical and simplistic character, would in fact be one form of surrendering all claims to education rather than preparing the most favorable conditions for it.

It is necessary, therefore, as it seems, to reexamine the profound reasons which make a change desirable and to research patiently and

progressively means to render satifaction to them without breaking off with something essential.

(Private); S. C. Inst. Cath., letter, 23 May, 1968; reported by Ochoa in *Leges Ecclesiae,* vol. 3, n. 3658.

Seminary: Douai: Paul VI, letter to archbishop of Liverpool on occasion of the 4th centenary of the establishment of the English .seminary at Douai, 12 Sept., 1968 (AAS 60-661).

Minor: circular letter declaring "the mind of the S. C. for Catholic Education regarding minor seminaries and other similar institutions of clerical formation," issued 23 May, 1968; reported by Ochoa in *Leges Ecclesiae,* vol. 3, n. 3657.

National or regional: competent authority to erect. *See* c. 222; Com. Vat. II Interp., 11 Feb., 1972.

CANON 1357

Permanent Formation of the Clergy (S. C. Cler., 4 Nov., 1969) AAS 62-123.

Following is the "Circular Letter to the presidents of episcopal conferences on the permanent training and formation of the clergy', especially the junior clergy', in accord with the wishes of the plenary congregation held on 18 October, 1968."

1. Among the matters set down in the apostolic constitution. *Regimini Ecclesiae universae,* as belonging to the Sacred Congregation for the Clergy is: "The Congregation seeks out, proposes and urges means and aids whereby priests are to strive to acquire holiness. They are not to neglect studies so that having become more and more educated, especially in divine revelation, theological science, liturgical arts, and the humanities, they may exercise the priestly ministry more fruitfully. The first office promotes pastoral institutes and sees to the building up of libraries for the clergy'. Everywhere, at set times, it organizes courses for priests, especially' the newly ordained, so that they can perfect and broaden their pastoral knowledge and techniques, exchange their apostolic experiences, and coordinate their pastoral activity."[1]

[1] Paul VI, const, ap. *Regimini Ecclesiae universae,* §1; complete text reported in *Canon Law Digest,* 6, pp. 324-357.

2. In order to discharge this duty properly, the Sacred Congregation for the Clergy believed it necessary to consider, by a special examination, the questions of the permanent formation of the clergy', especially the junior clergy, so that the statutes issued by Vatican Council II on this matter might be more efficaciously reduced to practice.2

For this purpose, a long series of questions was sent to the episcopal conferences so that knowledge could be had in a living and definite way of the real and germane questions which arise from the permanent formation in the various sections of the world as well as of the results derived from experience in this area up to the present.

After all the answers had been maturely considered and weighed, a summary of them was proposed to the plenary session of the Sacred Congregation for the Clergy which was held on the 18th of October of 1968 so that it could investigate the matter. The conclusions of the members of the said session are being communicated by this letter to the episcopal conferences so that the bishops, singly or conjointly, may be helped to effecting and regulating this kind of training and formation.

GENERAL CONSIDERATIONS

3. No one, certainly, is unaware that the total *church renewal* sought for and promoted by the II Vatican Council depends in large part on the *priestly ministry,3* and, therefore, on the formation given to priests and its continuation and perfection after reception of priestly ordination, especially during the first years of pastoral life. It belongs to the more important function of episcopal ministry to see to it that this formation be carefully imparted and deeply cultivated: "Since, because of the circumstances of modern society especially, priestly training must be pursued and perfected even after the seminary course of studies has been completed, it will belong to the episcopal conferences in each nation to employ the best means, such as pastoral institutes in cooperation with aptly chosen parishes, assemblies held at set times, and appropriate projects whereby the junior clergy can be gradually introduced into priestly life and apostolic activity under their spiritual, intellectual and pastoral

2Cf. Cone. Oec. Vac. II, *Deer, on Past. Off. of Bps.,* n. *16. Deer. on Priestly Min.,* n. 19; *Deer, on Priestly Form.,* n. 22.

3Cf. Cone. Occ. Vat. II, *Deer, on Priestly Min.,* n. 1 , *Deer, on Priestly Form.,* Preamble.

aspect, and will be able to renew and foster this life and activity more each day.4

4. These three *aspects of priestly formation – spiritual, intellectual, pastoral* – should be intimately, aptly and consistently interrelated for it is absolutely necessary that the proper harmony obtain between the objectives which are the target to be aimed at in permanent formation, namely, between theological learning, pastoral activity and spiritual life. Indeed, there should be a kind of close connection and mutual support between them. The danger of excess in spiritual formation, at least in these days, seems less likely and quite remote. This spiritual life must be considered as the foundation of the other two *aspects* since pastoral activity is, as it were, its fruit and theological science can deservedly be said to be its guiding norm.

5. From the *intellectual* viewpoint, priestly formation must be drawn up in an orderly program and must encompass not only a repetition of the treatise but also a deepening of the primary disciplines which they long ago diligently studied, and especially in relation to those issues of sacred doctrine which have greater relevance to the spiritual life and to pastoral activity. Also to be considered are the *development* of theological doctrine and new pastoral issues, particularly those which have been clarified by the living magisterium of the Church. Finally, care must be taken that everything which experience has discovered regarding pastoral matters should be tied in with a solid doctrinal basis.

As a result, it seems that among the studies pursued after sacred ordination the following must be received: sacred scripture, the fathers and doctors of the Church, the instruments of tradition – among which the magisterium decrees of the councils and the supreme pontiffs must hold a special place – liturgy, approved works of theologians, in addition to seminars on matters pastoral, catechetical, homiletic and pedagogical as well as questions on the sacred teaching of the Church. These words of the decree, *Presbyterorum ordinis,* should be kept in mind: "In the sacred rite of ordination priests are admonished by the bishop that they be *mature in knowledge* and that their teaching bring *spiritual healing to the People of God.* For the knowledge of a sacred minister must be

4Conc. Occ. Vat. II, *Deer, on Priestly Form.,* n. 22. Cf. also *Deer, on Priestly Min.,* n. 19. Paul VI, *motu propno, Ecclesiae Sanctae,* I, η. 7 – complete text of this *motu proprio* is reported in *Canon Law Digest, 6,* pp, 264-298.

sacred since it is drawn from a sacred source and is directed to a sacred goal."5

6. On the other hand, *the determination of the matter* of this study for priestly formation should not, it seems, be left to the will and desires of the individual. Neither may this material be determined by certain tastes obtaining today nor by a particular theological school. Consideration and attention should always, indeed, be given to what the priests desire but not in such wise that such desire becomes the program and norm of the material to be chosen for theological formation.

7. Here it is worthwhile to set forth considerations regarding the difficulties which not infrequently occur in these days when this training of young priests is reduced to practice. In our day almost everything, even the truths of faith, is called into question or taken exception to. Hence it follows that for many priests personal certitude regarding the germane Catholic teaching is no longer had and, indeed, to such an extent that the very principles which govern and guide the Christian and priestly life, are called into doubt or at least are controverted.

This frame of mind is in no way favorable to the supernatural spirit which is absolutely necessary for priestly life and ministry. Rather, it leads to that so-called "secularization" which is not only found in reality but also at times is openly aimed at. If the heritage of Catholic teaching which each one possesses with certainty and by personal grasp, is lost, there will be lacking the support whereby resistance can be made against the naturalism and materialism which infect the social life of our day in every sphere.

8. Young priests not infrequently experience difficulties in *bolding on completely to the deposit offaith* which was handed over to the Church by Jesus Christ. There arc manifold reasons for this: an increased proclivity to contradict is part of the cause and to such an extent that there is no hesitation in condemning the very truths of the faith as they have been handed down and especially as regards their manner of formulation; indeed, this propensity to condemn looks, above all, to the pronouncements of the authentic magisterium of the Church, going so far as to call obedience into question. Another partial cause for this disturbance of minds must also be placed, seemingly, in the increased importance of the experimental sciences whose conclusions theologians at times interpret in a

5Conc. Oec. Vat. II, *Deer, on Priestly Min.,* n. 19.

manner not in harmony with the faith. Such interpretation is not approved even by the very promoters of these disciplines or, at least, not by those who are not imbued with an ideology inimical to the Christian religion. Lastly, note must be taken of the social changes which have great influence on those matters which affect the social life of the priest.

9. On the other hand, the *spiritual* life demands a living *personal faith* which serves as its origin, basis and source of growth. There is, however, a reciprocity here because the spiritual life, considered in itself, strengthens faith and, as a result, brings about a safe theological approach in the processes of paying attention to, thinking on, and determining a course of action, and also facilitates assent to doctrine proposed by the magisterium, all of which makeup the proximate guiding principle of theological work.

By divine institution the task of teaching matters pertinent to the faith belongs to the supreme pastor of the Church ant to the bishops in communion with him; this power is not given to either rhe laity or to the priests. Therefore, whatever is proposed by the magisterium must be sincerely accepted. Unless everything is accepted and, indeed, without any circumlocutions or exceptions, all else is rendered null and void. Because the help of the Holy Spirit was promised to the Church's magisterium, and with the due suppositions having been made, "religious submission of will and intellect . . . must be shown to the authentic teaching authority of the Roman Pontiff, even when he is not speaking *ex cathedra*", furthermore, the supreme magisterium's "definitions must be adhered to with the submission of faith."6

To strengthen this priestly spiritual life and consciousness, it is desirable that on Holy Thursday morning every priest, whether he be present at the Mass of the Chrism or not, renew the act whereby he dedicated himself to Christ and promised that he would carry out his priestly duties, especially that he would observe sacred celibacy and render obedience to his bishop (or religious superior). It is also desirable that he mentally celebrate the office which was rendered irrevocable by Sacred Orders and by which he was called to the service of the Church.

10.For that reason, theological training must, above all, safeguard, set forth, and accurately explain the full Catholic teaching in all its parts as proposed by the Church's magisterium, making use of the subsidiary helps which the disciplines of scripture, patristics and

6Cone. Oec. Vat. II, *Dog. Const, on the Church,* n. 25.

the "philosophical heritage which is pcrcnially valid" afford. Nor is omission allowed regarding the Catholic teaching on the safeguarding, as above, of the authority of the Church's magisterium. All these matters must be presented with consideration taken of the difficulties which center on sacred doctrine and take their rise from questions which today are sharply advanced and to which a truly Christian answer must be given.

11. Solid spiritual life and correct theological knowledge stir up and foster *pastoral* zeal and activity, fruitful administration of the sacraments, persuasive preaching of the word of God, and every kind of pastoral charity. It was in order to carry out this assignment that priests received ordination7 but in this fashion: that the charity of God is always the basis of charity to the neighbor and that the priests expound· the teaching of that faith in complete conformity with the Church's magisterium and that they appropriately distinguish priestly activity from political and social activity which properly belong to laymen.9 It is necessary to have a mental attitude conducive to leading a life conformed to piety and discipline since the sacerdotal ministry, in which priests participate, wholly demands a mode and pattern of life in conformity with the gifts received in the sacrament of Orders and with the functions to be exercised by each one in the pastoral life: "that, using the appropriate means recommended by the Church, they may always strive for that greater sanctity whereby they will daily become fitter instruments in the service of all of the People of God."10

Moreover, the blessed apostle Paul exhorts: "I admonish you to stir up the grace of God which is in you by the laying on of my hands. For God has not given us the spirit of fear but of power and of love and of self-control."11

If priests discover and nurture all these gifts within themselves, they will never forget why they once dedicated themselves to God and to I lis flock in the priesthood. Neither will there be danger that they will be ignorant of what they can contribute to procuring their

7Conc. Occ. Vat. 11, *Deer. on Priestly Form.,* n. 15; cf. *Canon Law Digest,* 6, p. 252, cf. also *Declar. on Relig. Freedom,* n. 14.

8Cf. *Pontificale Rom.,* De Ordin. Prcsbyt.; Cone. Occ. Vat. II, *Dog. Const, on the Cburcb,* n. 28.

9Cf. Cone. Occ. Vat. II, *Dog. Const, on the Cburcb.* n *32. Deer. on Apost. of Laity,* n. 7. *Deer, on Priestly Min.,* n. 6; *Const, on Church Today,* nn. 43 and 76.

*°Conc. Oec. Vat. II, *Deer, on Priestly Mm.,* n. 12.

salvation or that they will substitute purely natural humanitarianism for charity to one's neighbor.

12. For this reason the bishop should earnestly take care that the teachers to whom he entrusts the task of training priests, be not casually appointed. The norm for selecting this class of teachers must be healthy ecclesiastical mentality. This *eccelsial sense (sentire cum Ecclesia),* which must be stirred up again and again, certainly demands a theologian who is loyal to the Church. In order that priestly life and its witness-efficacy may be fostered, a closer link must be forged between theological knowledge and the spirituality proper to priests.

As a result, those professors can be considered qualifed for discharging this assignment who solve the questions proposed to them. Not qualified are those who engender and augment doubts. The criterion for appointment cannot be a reputation acquired by striving after novelty in proposing and explaining questions, or by a manner of enunciation which, indeed, attracts attention but neither educates nor convinces the student. The practice of impugning the traditions, institutions and authority of the Church docs not render anyone fit for the discharge of this assignment. On the other hand, that priest should be approved as professor to instruct students who has a sincere ecclesial sense and does not deflect from this faith either to the right or to the left. Professors for priests should attentively and honestly consider the good things characteristic of our day and their demands and, while completely adhering to the Church's tradition as regards life and doctrine, should strive by thought and deed to harmonize with the Church's tradition, insofar as they are compatible, those things which our times require and to which our times are inclined and disposed. "It is evident how desirable and necessary it is that they have the best guides and teachers who will give them a shining example not only in doctrinal precepts but also in the exercise of priestly ministry."[12]

13. However, in order that the formation of priests advance in an orderly and logical way, it must be carefully planned and methodically executed. "This doctrinal instruction and preparation for the apostolate, in order that it may be confirmed by use and experience, must be accompanied also by' practical exercise in well-planned progressive stages and under prudent control; then after the priesthood is received, We wish this practical exercise to be continued and per-

[12]Pius XII, *motu proprio, Quandoquidem (AAS* 41 11949J, 166; reported in *Canon Law Digest,* 3. p. 62).

fected by a special period of trial under the guidance of men who are outstanding in doctrine, counsel, and example, and to be strengthened constantly by uninterrupted sacred studies.' This need will be well met, seemingly, if the bishop deliberately entrusts the training of priests to a particular priest as *director of studies* or to a small group which should not be composed of more than three priests.[13][14]

Because of the importance of the matter, it is very expedient that the bishop maintain a close relationship with the *director or directors* of priestly formation.

Inasfar as possible, the appropriate preparation of those priests who will be permanently assigned to the formation and training of others, should be fostered through special courses.

SUGGESTED HELPS

14. Responsibility for the program of priestly formation, both in its organization and its implementation, *belongs,* in the first place, *to tbe local Ordinary* and this is so because, on the one hand, the priests, each according to his assignment, take upon themselves and, by daily application, carry out the duties and solicitude of the bishop. If, then, the bishop strives "to promote the whole pastoral work of the whole diocese," it is also necessary that he provide for the continuing formation of his priests.[15] On the other hand, it is because the needs and possibilities of priestly formation differ so greatly by reason of the differences of peoples and localities, that serious formation can be had only if consideration is taken of the circumstances of each locality. Nevertheless, it is clear, at times, this issue can be better handled on a broader level, e.g., by the episcopal conference.

15. Wherefore, among the helps which are proposed in this document and which arc the result of many experiences derived from various places, the bishop or episcopal conference, each for his own

13Pius XII, const. *Sedes Sapientiae* (Λ/IS 48 11956l, 364; reported in *Canon Law Digest,* 4, p. 181).

14Paul VI, *motu proprio. Ecclesiae Sanctae,* I, η. 7: "Bishops or episcopal conferences should also sec to it that, according to local conditions, one or more priests of proven learning and virtue be chosen as moderators of studies to promote and arrange pastoral lectures and other aids which are considered necessary to foster the scientific and pastoral training of the priests of their own territory." (/1/1S 58 11966J. 761; reported in *Canon Law Digest,* 6, p. 269).

,5Conc. Occ. Vat. II, *Deer, on Past. Off. of lips.,* n. 16.

territory, should select those which appear more appropriate *in accord with circumstances* and possibilities. There is no objection to setting up *interdiocesan projects* by common consent of the interested parties, especially where the dearth of clergy so suggests.

1. *Pastoral Year*

16. In the apostolic letter, *Ecclesiae Sanctae,* which was issued *motu proprio* on 6 August, 1966, to implement what was set down in n. 16 of the decree, *Christus Dominus,* and in nn. 19-21 of the decree, *Presbyterorum ordinis,* this was decreed: "Bishops, either individually or collectively, should make provision that all priests, even if engaged in the ministry, complete a series of pastoral lectures during the year immediately after ordination."[16] In some dioceses provision for this pastoral year has been more or less protracted throughout the diaconate period.

Following are *suggestions* for this pastoral year:

(a) an easier passage from seminary life to the practice of the pastoral ministry.

(b) step-by-step approach to pastoral activities so that acquaintance by association with the people among whom priests must live and work, and the art of exercising the various ministries and of communicating with different groups of persons may proceed gradually and without unexpected onsets.

(c) a more complete human and priestly maturity confirmed by pastoral experience.

This *need* has already been called to the attention of all by supreme pontiff, Pius XII, of happy memory, in his apostolic exhortation, *Menti Nostrae,* where community life among young priests was also suggested as a most opportune help: "We exhort you, Venerable Brethren, that, inasfar as it is possible, you avoid placing inexperienced priests in the full work of the ministry, and that you not assign them to places far removed from the diocesan see city or from other large cities. If they remain in this kind of living situation – isolated, inexperienced, exposed to dangers, lacking prudent directors – they themselves and their ardor will certainly suffer harm. We very especially approve, Venerable Brethren, that the young priests live together with the local pastor especially and his assistants. In this way, under the leadership of older priests, they can more easily

[16] l, n. 7.

be trained for the sacred ministry and more deeply imbued with a spirit of piety. . . . We now strongly approve and recommend what has already been the desire of the Church, namely, that the custom of community life be introduced among the clergy of the same parish or of several nearby parishes."

17. The pastoral year can be performed in an institution or house destined to this end or in parishes or in other centers of pastoral activity. The time should be so adjusted that due provision be had for learning and for pastoral practice.

When setting up this pastoral year, it is necessary that, among other things, the following *conditions* be observed:

(a) pastors and parishes to which deacons or young priests are sent for induction into the ministerial care of souls, must be very carefully selected.

(b) with reference to the pastoral activity of priests recently ordained, clearly-defined conditions should be set down as regards the amount of work because, since the young priest is not to be considered as an assistant pastor and has not yet been fully trained, he must be sent to those priests who are really ready to spend time and effort in training the young associate.

(c) during the pastoral year, sufficient opportunity must be given young priests in meetings with their peers for mutual communication, completion and, if need be, correction of what they have learned through experience.

(d) particularly during the pastoral year easy dialogue between the priests and the bishop or the vicar general or episcopal vicar, etc. should be fostered.

(e) only after completion of the pastoral year are young priests to receive a definite assignment to some parish.

2. *Triennial and Parochial Examinations*

18. The norms of canon 130 of the Code of Canon Law regarding the so-called triennial examinations continue in force. Also remaining force is the parochial examination whereby a candidate manifests his fitness even though, by prescription of the apostolic letter, *Ecclesiae Sanctae,* I, n. 18 §1, competition is abrogated.

of particular questions can be effected by the bishop or by the episcopal conference.

These examinations must center not only on doctrine but also on practice. There is no objection to them taking the form of a conference or of some special project which was carried out on a definite issue under the guidance of an experienced director.

3. *Courses for Priests*

19. The decree, *Presbyterorum ordinis,* demands, above all, that a few years after their ordination, priests be given the opportunity to attend "courses which will provide them with the occasion to acquire a better grasp of pastoral methods and theological science, to strengthen their spiritual life, and to share their apostolic experience with their brethren." It is desirable that the start of such courses be reserved for a spiritual retreat of sufficient duration.

There is question, then, of courses different from the so-called pastoral year. Perhaps it is in these courses especially that attention can be given that, "young priests, fresh from ordination, may be trained in disciplines and techniques which will enable them to exercise with readiness, skill and alacrity also those new forms of apostolate which are current at the present time."[19]

Such study courses can be imposed and prescribed for a period of some years. They should, however, be open also to other priests.

4. *Study Sessions*

20. It is desirable that theological faculties offer all the clergy appropriate *study sessions,* (e.g., one week a year or once a month) at which the priests be afforded a worthwhile complement of theological formation. The weekly courses could be carried on by a series of lessons conducted by correspondence.

Such *study sessions* can be made compulsory after 10 and 25 years from ordination to the priesthood.

5. *Priestly Meetings*

21. The *deanery* conferences mentioned in canon 131 of the Code of Canon Law should be duly accomodated to today's con-

[18] Conc. Occ. Vat. II, *Deer, on Priestly Min.,* n. 19.

[19] Pius XII, *ntotu proprio. Quandoquidem, AAS* 41 (1949),165; reported in *Canon Law Digest,* 3, p. 62.

dirions. Meetings of priests of the same age bracket or of the same region should be encouraged with a view to fostering mutual charity, sharing experiences, overcoming differences arising from age gaps.

6. *Library Facilities*

22. It is desirable that throughout the deanery or at least throughout a region, libraries should be set up, stocked with books containing approved doctrine, which the priests may need to bolster and increase their theological, spiritual and pastoral knowledge. Thus the books would be readily available to them and without expense.

7. *Study Leaves*

23. Leaves should be readily granted to priests who desire them to expand their theological studies.

8. *Other Opportunities for Priestly Formation*

24. A *pastoral institute,* under the direction of a duly appointed commission, may be established in each diocese or on an inter-diocesan level as each case may suggest. Such an institute would render easier advancement in pastoral theology knowledge through short courses, commentaries published at intervals, lectures, and other like means which are designed for all priests.

25. It is desirable that encouragement be given, with appropriate precautions as prudence will suggest in individual cases, to the free formation of theology groups and, in general, that institutions be recommended which provide assistance to priests for their spiritual life, pastoral activity, and *intellectual* development. Proof is had that in many places rich results have been derived from the availability of such institutions both as regards priestly holiness and priestly ministry.

CONCLUSION

26. This Sacred Congregation, which is dedicated to serving the clergy, intends to foster, as much as possible, mutual relations with the episcopal conferences and with their special commissions for the clergy and proposes to gather for itself information about undertakings and experiments and to communicate them to all who are interested.

This Congregation will be very grateful to bishops and episcopal conferences *if they* will report the results of their experiences as well as their suggestions and proposals whereby the permanent formation of priests, which is of such great importance for the life of the whole Church, may be given direction and removed from danger.

This Sacred Dicastery hopes that the dialogue begun in this letter on the permanent training and formation of priests will in the future be ever more perfected to the benefit of all in the priestly ministry.

Given at Rome, the 4th day of November, 1*969, the* feast of St. Charles Borromco.

AAS 62-123; S. C. Cler., circular letter, 4 Nov., 1969.

Seminary Administration: General norms for; role of episcopal conference and local bishop, S. C. Inst. Cath., 6 Jan., 1970, Preliminary Notes, nn. 2-7; sect. I, η. 1 (AAS *62-321). See c.* 1365 for references.

CANON 1358

Officials: Administrative, S. C. Inst. Cath., 6 Jan., 1970, sect. V (AAS 62-321). *See c.* 1365 for references.

Spiritual Direction: General norms, S. C. Inst. Cath., 6 Jan., 1970, sect. Ill, n. 14 and especially sect. VIII (AAS 62-321). *See* c. 1365 for references.

CANON 1363

Students: General norms regarding, S. C. Inst. Cath., 6 Jan., 1970, sect. VII (AAS 62-321). *See* c. 1365 for references.

CANON 1364

Minor Seminary: And like institutions: general norms governing, S. C. Inst. Cath., 6 Jan., 1970, sect. Ill (AAS 62-321). *See* c. 1365 for references.

CANON 1365

Secular Studies; Residence Requirements (S. C. Inst. Cath., 22 April, 1971) Private.

The following was addressed to the Ordinaries of the dioceses of Italy by the S. C. for Catholic Education.

Permit us to address ourselves to Your Excellency in order to call your kind attention to two problems which are of serious concern to US:

a) the enrolment of seminarians at civil universities during the period of the six years of philosphy and theology.

b) the irregularities which are taking place with respect to residence in Rome of the students, seminarians or priests, enrolled in the pontifical ecclesiastical schools of Rome.

I

It has come to our knowledge that the students of some seminaries, while they are attending their philosophy-theology courses, have enrolled themselves in faculties of civil universities. There is question – as is evident – of an issue which touches very closely on the preparation of the candidates for the priesthood and on the very concept of priestly formation. This Sacred Department, because of its serious duty, is particularly obligated to promote and to stir up every effort for the realization, in the light of the teachings and the directives of Vatican Council II and of the *Ratio fundamentalis institutionis sacerdotalis,* of the renewal of the seminaries so that they may proceed with security and produce a salutary increase of piety, learning and pastoral zeal in the candidates for the priesthood (cf. *Ratio fundamentalis,* introduction). Consequently, this Sacred Department, after having examined the above-mentioned problem better in its various aspects, cannot but disapprove of this simultaneous enrolment as an abuse contrary to the prevailing prescriptions and as gravely prejudicial to priestly formation.

The *Ratio fundamentalis,* in fact, among the various experiments approved for a better formation and for a more mature preparation of the students for sacred Orders, provided that "after the first year of the major seminary, the students could be permitted to enter on the second year, or to devote themselves to secular studies in the universities" (n. 42, b). Gently, then, but in an explicit manner it excludes the concomitance of two commitments as students. Inasmuch as a simple alternative is offered, the enrolment at civil universities may be allowed, with observance of the other requirements of the law, only on condition that there is an interruption of the philosophy-theology course by the party concerned. Such an allowance, however, as comes out from the context of number 42, does not comprise a complete cycle of university studies but, rather, a definite period granted in specific cases in order to resolve doubts

with regard to one's vocation. The real and primary purpose of such an experiment, consequently, is not to give the candidate the opportunity to acquire a civil academic degree but – as the *Ratio fundamentalis* expressly states – *"in this way, after the first experiences in the seminary have been completed, the candidate will be offered a period of real interior and exterior liberty to develop his proper vocation more solidly and diligently."* The attainment of a civil academic degree will have to be taken into consideration, therefore, eventually but only after ordination to the priesthood.

Moreover, the above-mentioned abuse, while it is a clear index of little involvement in ecclesiastical studies, denotes negligence of the said ecclesiastical disciplines and, at the same time, demonstrates little sensitiveness to the ever-growing needs of priestly formation. There is the obvious objective impossibility of attending with the necessary diligence and serenity to the particular demands which priestly formation involves when a person has other absorbing interests and preoccupations such as are the studies at the civil universities. During the time in the major seminary, all the education of the studies in its various components – spiritual, intellectual, pastoral and disciplinary – must be oriented in the definite direction of the priesthood; that is to say, it must *"tend to that end that they be formed into true pastors of souls after the model of our Lord, Jesus Christ, teacher, priest and shepherd" (Optatam totius,* η. 4). Such pastoral formation – the aim of all priestly formation – is not a feature added on to the spiritual and the intellectual but must clothe and permeate the whole educative process which, in order to be truly valid and effective, must of necessity expand into theological dimensions by means of assiduous study and deep reflection (cf. *"Lineamenti per una Ratio institutionis sacerdotalis,"* Italian Episcopal Conference, Rome, 1968, page 54).

II

Prom different places have come to this Sacred Department indications and complaints of irregularities which are committed with regard to the discharge of the residency obligation on the part of seminarians and priests studying in Rome.

It is well known that the prevailing arrangements relative to the enrolment of students *of* the secular clergy (seminarians or priests) in the pontifical schools of Rome prescribe that they reside in the religious institutions which have been designated for them *(cf.* circular of the S. C. for Seminaries and Universities, 15 July, 1969,

Prot. N. M 695-52-20, Λ). Λ taxative list of them appears each year in the *Annuario Pontificio* in the chapter "Istituti Ecclesiastici di Educazione e di Istruzione" under the headings "Seminari e Collegi per Candidati al Sacerdozio" and "Collegi e Convitti per Alunni Sacerdoti."

Here we recall to mind its essential prescriptions.

a) *Secular priests* who are pursuing studies in the pontifical schools in Rome must reside — as it is said — in the colleges or boarding residences which have been reserved for them. Nevertheless, provision has been made that, by way of exception and under specific conditions, a dispensation "to live outside a college" may, in agreement with this Sacred Department, be granted by the Vicariate of Rome upon presentation of a petition by the diocesan Ordinary of the interested party (cf. *circular cited,* B). Consequently, student priests may not reside in parishes or other religious institutions without explicit permission from the Vicariate.

b) As regards *student seminarians,* this Sacred Congregation does not grant exceptions from the norm pertinent to them except in particular cases and for serious reasons. All seminarians, in fact, are held by the precise obligation to reside in the seminaries or colleges provided for them in order that they may receive due priestly formation (cf. *Ratio fundamentalis,* IV, n. 20).

Observance of the above-indicated prescriptions are an indispensable condition for the validity of enrolment in the pontifical schools in Rome. Priests and seminarians, therefore, who have not studied in line with those prescriptions, will in nowise be considered for any purpose as students of the school.

In the hope that Your Excellency will not fail to offer us your indispensable collaboration in order to achieve the exact and faithful observance of the prescriptions mentioned above in numbers I and II, we remain sincerely grateful as always and ask that you accept the avowed sentiments of our distinguished consideration.

(Private); S. C. Inst. Cath., letter, 22 April, 1971, Prot. N. 373-71-3; reported in *Vida Religiosa,* 31 (1971), 370-372 (Spanish translation of the Italian which appeared in *Notiziario,* n. 146 (Sept.-Oct., 1971), 222-225.

Basic Program for Priestly Training *(Ratio Fundamentalis Institutionis Sacerdotalis):* issued by S. C. Inst. Cath., 6 Jan., 1970, covering all aspects from promotion of vocations to post-seminary training (AAS 62-321). Eng. version in *T.P.S.,* 15 (1970), 264-314; also available in booklet form from Publications Office, U.S.C.C., 1312 Massachusetts Ave., N.W., Washington, D.C.. 20005.

Following is outline of this document:
Preliminary Notes (7 numbers)
Introduction: 1. Vatican Council II and seminary training
2. Attitude of today's youth regarding education
3. Catholic priesthood as the proper objective of priestly education
4. Activity and life-style of today's priest

I. General norms
II. Pastoral care of vocations
III. Minor seminaries and like institutions
IV. Major seminaries
V. Superiors
VI. Professors
VII. Students
VIII. Spiritual training
IX. Intellectual training: general notions
X. Studies in arts and sciences
XI. Studies in philosophy and related branches
XII. Theological studies
XIII. Special studies for particular works
XIV. The doctrine to be given
XV. The program of teaching
XVI. Strictly pastoral training
XVII. Post-seminary training

Annotations: a series of 13 articles elaborating this basic program, including an article by Card. Wright on "Priestly Maturity," was published in *Seminarium,* 10 (1970), 517-857.

Philosophy: Letter addressed to the bishops on the teaching of, in seminaries, S. C. Inst. Cath., 20 Jan., 1972; reported in *Doc. Cath., 69* (1972), 262-267. Annotations in *Palestra del Clero,* 51 (1972), 607-614, 653-661 (Lanz).

Seminaries: Studies: Paul VI, allocution to the Episcopal Commission on Seminaries regarding the basic plan for training, 27 Mar., 1969 (AAS 61-253).

S. C. Inst. Cath., norms updating the apostolic constitution, *Deus scientiarum Dominus,* 20 May, 1968; reported in *Achiv fur K. K.,* 137 (1968), 158-177; Doc. *Cath.,* 66 (1969), *64-75*; *Seminarium,* 8 (1968), 765-787.

United States of America: "The Program of Priestly Formation" drawn by the National Catholic Conference of Bishops as its implementation of the above *Ratio Fundamentalis* was approved for a period of five years by the S. C. Inst. Cath., 18 Jan., 1971, which also stated that the *Program* is to be interpreted in accord with the decree, *Optatam totius,* of Vatican Council II, n. 1 and the above *Ratio Fundamentalis,* η. I, 1. Copies of the *Program* are available in booklet form from N. C. C. B., 1312 Massachusetts Ave. N. W., Washington, D. C., 20005.

CANON 1366

Suspension of 3-Ycar Requirement for Licentiate in Canon Law (S. C. Inst. Cath., 30 May, 1972) Private.

The following was addressed to the rectors of universities and ecclesiastical schools which have a faculty or institute or section of canon law.

As you well know, in virtue of the new law of the Church on academic matters, "Certain Norms for the Revision of the Apostolic Constitution, *Dens scientiarum Dominus,* on Academic Ecclesiastical Studies," promulgated on 20 May, 1968, the curriculum of the *Faculty of Canon Law* has been increased by one year so that in order to obtain the licentiate, two years of studies no longer suffice but three years are required (cf. n. 49 of the "Norms").

It is evident that the academic authorities concerned have tried by every means to reduce the mandate of this law to practice, praiseworthily complying with the three circular letters under number 113/66/A-B-C sent out by the S. Congregation for Catholic Education on the 20th, 15th and 10th of June in the years 1969, 1970 and 1971 respectively. At once, however, difficulties – not small – arose, particularly from the fact that the Code of Canon Law, by order of the Supreme Pontiff, is being revised these years in accord with the norms of Vatican Council II.

As a result, the Sacred Congregation is again busy re-investigating the matter, even with several deans of canon law faculties, and at the same time has asked for the views of the Pontifical Commission constituted for the Revision of the Code of Canon Law.

Since such is the situation and since the new code cannot be foreseen as coming out very soon, after having maturely weighed everything and with the consent of the Supreme Pontiff, by this letter we inform the individual deans and regents of faculties, institutes and sections of canon law that, as regards the faculty of canon law, the prescription of no. 49 of the "Certain Norms" is hereby suspended and its application is deferred until another provision is made by this same Congregation.

On the other hand, it is clear that the other points which arc set down and prescribed in the renowned "Certain Norms" regarding the organization and activity of the faculties of ecclesiastical studies, remain completely untouched and, consequently, must be diligently put into effect in the faculties, institutes and sections of canon law.

Indeed, in these centers of canon law, it is the responsibility of the teachers so to form rhe students that, when the future code has been revised in accord with the prescriptions of Vatican Council II, they may later easily understand it and put it into practice.

At the same time that we inform you of these matters, we gladly express warm wishes for the prosperity of yourselves and your faculties.

We ask you please to let us know of the receipt of this letter.

(Private); S. C. Inst. Cath., letter, 30 May, 1972, Prot. N. 270/72,- copy sent us by the Canadian Canon Law Society.

Professors: General norms regarding S. C. Inst. Cath., 6 Jan., 1970, sect. VI (AAS 62-321). *See* c. 1365 for references.

CANON 1367

Spiritual Direction: General norms, S. C. Inst. Cath., 6 Jan., 1970, sect. Ill, n. 14; sect. VIII, entire (AAS 62-321). *See c.* 1365 for references.

CANON 1376

Federation of Catholic Universities: Paul VI, allocutions to delegates of, at conventions in Rome, 26 April, 1969 (AAS 61-323): 6 May, 1971 (A/XS 63-459); 27 Nov., 1972 (AAS 64-768)-English version in *T.P.S.,* 17 (1972), 355-357.

Pontifical Gregorian University: Paul VI, allocution to professors and students of, on occasion of 433th anniversary of election of Gregory XIII to the papacy, on the mission of a Catholic university, 13 May, 1972 (AAS 64-360); English version in *T.P.S.,* 17 (1972), 131-140.

Pontifical Oriental Institute: Faculty of Oriental canon law erected in, S. C. Inst. Cath., decree, 7 July, 1971 (AAS 63-791).

Universities: Norms regarding present-day mission of universities and ecclesiastical faculties, issued by S. C. Inst. Cath., 20 May, 1968; reported in *Seminarium,* 8 (1968), 760-764.

CANON 1379

Support of Private Schools: Missouri bishops' statement, 9 Jan., 1969; reported in *Cath. Mind,* 67 (Mar., 1969), 62-64.

Missouri Lutheran Synod report on national survey, 18 Feb., 1969; reported in *Cath. Mind.* 67 (April, 1969), 1-4.

CANON 1381

Coeducation in Secondary Schools Conducted by Religious (S. C. Inst. Cath., 1 Feb., 1971) AAS 63-250.

Following is the "Declaration on coeducation in schools of the secondary level under the direction of religious."

The instruction issued on the 8th day of December, 1957, by the Sacred Congregation for Religious and for Secular Institutes, after a mixed meeting ordered to be held by the Supreme Pontiff, decreed the following: "Religious should not be permitted to direct coeducational secondary schools except in rare instances and extreme necessity, and then only after having obtained an apostolic induit from this Sacred Congregation" *(AAS,* 50 [1958],100).[1]

Now, however, since certain Ordinaries and religious superiors have asked the Holy See whether the aforesaid provision still obtains, even after the declarations of Vatican Council II, after consultation with the Sacred Congregation for Religious and for Secular Institutes, the matter was referred to the plenary session of the Sacred Congregation for Catholic Education which in the session held on the 16th and 17th of October, 1970, gave this response which was afterwards approved by the Supreme Pontiff:

1. According to the decree, *Christus Dominus:* "all religious, exempt and non-exempt, are subject to the authority of local Ordinaries in those things which pertain to . . . the religious and moral education of the Christian faithful, especially of children, and to catechetical instruction . . . Catholic schools conducted by religious are also subject to the local Ordinaries as regards their general policy and supervision, without prejudice, however, to the right of religious relative to their direction" (n. 35, 4; *AAS,* 58[1966], 691-692).

2. This executive interpretation is given to those words of the decree by the *motu proprio, Ecclesiae Sanctae* "In accordance with n 35, 4, of the decree, *Christus Dominus,* the general set-up of the Catholic schools of religious institutes supposes the general distribution of all Catholic schools in the diocese, their mutual cooperation and their supervision, so that they may be as well adapted as other schools to pursue cultural and social aims, without prejudice of course to the right of the religious to govern them, and with due

[1] Reported in *Canon Law Digest,* 5. p. 694, n. 3.

observance of the norms laid down (n. 35, 5) for previous mutual consultations between the bishops and rhe religious superiors." *(AAS, 58* [1966], 773).2

3. l herefore, if because of the reasons recounted in the *motu proprio, Ecclesiae Sanctae,* or because of other just reasons, some secondary institute conducted by religious is led on to opening coeducational schools, it must no longer, of course, have recourse to the Holy See but, just like other Catholic schools, it must and it suffices to follow the instructions given on this matter by the local Ordinary or by the episcopal conference.

Given at Rome, the 1st day of February, A. D. 1971.

AAS 63-250; S. C. Inst. Cath., declaration, 1 Feb., 1971.

Coeducation and Sex Education (S. C. Inst. Cath., 9 Feb., 1971)

Private.

The following was addressed to the presidents of episcopal conferences.

We are forwarding this letter in order to inform you of the decisions made by the general assembly of our Congregation on two matters concerning Catholic schools.

The first decision taken by the plenary assembly of the Congregation at its meeting on 16-17 October, 1970, concerns the induit which required religious orders to request permission from the Sacred Congregation for Religious whenever they wanted to introduce coeducation into secondary-level institutions conducted by their religious personnel.l

The plenary assembly of the Congregation also gave its attention to the controversy that has been developing in some countries over the introduction of sex education programmes into the schools. It recommended that the Congregation undertake a general study of the whole question, viewing this delicate aspect of education within the total educational prespectivc. In the meantime, while awaiting the conclusion of such a comprehensive study, we request that you observe carefully the trends in sex education programmes in the

2Canon Law Digest, 6, p. 282, n. 39, §1.

l See S. C. Inst. Cath., *declaration,* 1 Feb., 1971, reported above under this same canon.

schools of your country, and, if there is good reason to do so, to work out some guidelines in conjunction with the teachers adapted to the circumstances and the present needs of the students and calculated to develop among young Catholics a moral stance inspired by faith.

(Private); S. C. Inst. Cath., letter, 9 Feb., 1971, Prot. N. 917/70; copy kindly sent us from N.C.C.B.

Laicized Priests: Not allowed to exercise administrative or teaching function in theological institues. *See* c. 214; S. C. Doct. Fid., 13 Jan., 1971, η. VI, 4; 26 June, 1972, η. V.

CANON 1384

Commission for Social Communications Media: annual plenary session. Paul VI, allocutions: 1970: 5 Jan., (AAS 62-508). 1971: 15 March (AAS 63-278). 1972: 4 March (AAS 64-293)—English version in *T.P.S.,* 17 (1972), 81-85.

Ecumenism: General criteria for ecumenical collaboration by the Social Communications Media, issued by Com. Com. Soc., and approved by way of experiment for five years, 15 Nov., 1971 ; reported in *Doc. Cath.,* 69 (1972), 67.

Social Communication: World Day: Paul VI, written messages to celebrate: 1969: 7 April (AAS 61-455). 1971: 25 March (AAS 63-468). 1972: 21 April (AAS 64-381).

Pastoral instruction, *Communio et progressio,* on the proper application of the media of social communication written at the order of Vatican Council II in its *Decree on Media of Social Communication,* [1] n. 23, Com. Com. Soc., 23 May, 1971 (AAS 63-593)—English version in *T.P.S.,* 16 (1971),245-283; *Cath. Mind. 69* (Oct. 1971), 22-61 with commentary, pp. 61-64, by the Communications Committee, USCC; booklet form available from Publiations Office, USCC, 1312 Massachusetts Ave., N. W., Washington, D. C., 20005.

Following is an *outline* of the contents of the instruction:

Foreword

Part 1: Social Communications Media in the Christian Purview: Elements of Doctrine

Part 2: Social Communications Media as Parts of Human Progress

Chap. 1 : Activity of communications media in human society

1. Public opinion
2. Right of acquisition and diffusion of "information"
3. Education, culture and leisure
4. Forms of art
5. Advertising

[1] Reported in *Canon Law Digest,* 6, pp. 799-808.

Chapt. 2: Most suitable conditions for appropriate activity
1. Training
2. Opportunities and obligations
3. Cooperation
Part 3: Engagement of Catholics in Communications Media
Chap. 1: Contribution of Catholics to social communication
Chap. 2: Contribution of communications media to Catholics
1. Public opinion and mutual and close communication in the life of the Church
2. Use of the media of communication for the spread of the gospel
Chap. 3; Activity and work of Catholics in the individual media
1. Printed writings
2. Movie industry
3. Radio and television
4. Theatrical production
Chap. 4: Equipment, personnel, organization
Epilogue

CANON 1391

Sacred Scripture: Translation: guiding principles for intcrconfessional cooperation in translating the bible issued by the Executive Committee of the United Bible Society and the Secretariat for Christian Unity on 2 June, 1968; not published in AAS, Eng. vers, in *African Eccles. Rev.* 11 (1969) 95-102; *Ir. Theol. Qrtly,* 35 (1968), 388-394.

CANON 1414

Abrogation: of §4. *See* c. 240; Paul VI, *motu proprio,* 15 April, 1969, n. III.

CANON 1432

Abrogation: of §1. *See* c. 240; Paul VI *motuproprto* is AprilJ 1969 n ih

CANON 1435

Ecclesiastical Benefices in Rome (P.,,l v. , 60-377. VI· 30 June, *1968)* AAS

hollowing is the motu propr.o, *Romanae diocesis, on the* conferral *f* ecclesiastical benefices *in the Diocese of Rome.*

Since the main principles regarding the regulation of ecclesiastical benefices have been changed by the Second Vatican Ecumenical Council for the universal Church, the administration of rhe Diocese of Rome demands that even in this Roman Diocese of Ours the said regulation be harmonized with the pastoral principles of the sacred universal synod. This will be done, first of all, by the pertinent authority which has the responsibility of conferring this kind of benefice.

Up to the present time, a special law existed in Rome whereby, in addition to the Roman Pontiff, various other persons could confer some of the benefices by ordinary jurisdiction, that is, in virtue of his office. Now, however, this law should be so changed to the intent of the said Council that, in accord with the wishes of the Sacred Council, even in Rome the activity of the Supreme Pastor of the Roman Church should be closely taken notice of. For these reasons, it seems that the faculties which have heretofore been granted in this matter to others must be withdrawn so that hereafter the Roman Pontiff alone can confer all benefices in Rome but without prejudice to the prescriptions set forth in the articles which follow.

Wherefore, by this letter, issued *motu proprio,* We, by Our apostolic authority, decree that the following norms will prevail until such time as the new code of canon law will be promulgated.

1.The Supreme Pontiff as the Bishop of Rome freely disposes of the ecclesiastical benefices of his diocese. As a result, the special norms which have to the present obtained regarding the conferral of benefices in Rome are abrogated but without prejudice to the prescriptions of articles 2 and 5 of this law.

2.Therefore, the conferral of all benefices is made directly by the Roman Pontiff himself. On the other hand, with reference to parochial benefices which are not conjoined with another non-parochial benefice, the prescription of the Roman Synod is to be observed (cf. art. 103).

3. In this law, by the term, *beneficiaries,* are understood canons capitular, *mansionarii,* and chaplains who are equated with these.

4. He who acquires an ecclesiastical benefice not having the care of souls in Rome, is not by that fact incardinated into the Diocese of Rome, notwithstanding the prescription of canon 114 of the codel but without prejudice to art. 3, §5 of the apostolic letter, *Ecclesiae Sanctae,* which was issued *motu proprio* on 6 August, 1966.2

1 Cf. *I Syn. Rom,,* art. 21, b.

2Cf. *AAS* 58 (1966), 760; reported in *Canon Law Digest,* 6, p. 267.

5. The Holy Sec retains the agreements entered into with other states regarding the conferral of certain benefices in Rome.

6. Each of the cardinal archpriests relative to his own patriarchal basilica and the cardinal vicar of Rome for the patriarchal, minor and collegiate basilicas can propose to the Supreme Pontiff names of priests who are outstanding in pastoral zeal and faithful service to the Church and on whom the vacant benefice can be conferred by the Pontiff.

7. Whenever it is proposed that a benefice be conferred on priests belonging to another diocese, reports and the written consent of their proper Ordinary will be required but without prejudice to the prescription of article 26[3] of the apostolic constitution, *Etsi Nos,* issued by St. Pius X on 1 January, 1912.

8. No one can claim for himself any right either of priority to acquire a certain benefice or to transfer from a benefice of lower rank to one of higher rank.

9. Retaining their force are the prescriptions published by the Sacred Congregation of the Council on 25 January, 1928, which were later confirmed and which provided that no one may combine a canonry or benefice in the patriarchal chapters or in other chapters inside or outside Rome with an ordinary office or with long-term extraordinary office in the dicasteries of the Roman Curia, the vicariate of Rome, or in the offices or bodies mentioned in the apostolic constitution, *Regimini Ecclesiae universae,* nn. 132-133,[4] or in any other section whatever which in any way are dependent upon the offices administering the property of the Holy See. Consequently, a benefice will become automatically vacant if he who possesses it also has one of the above-mentioned ordinary or long-term extraordinary offices. Similarly, a cleric will lose his office if he acquires a benefice inside or outside Rome.

10. On the other hand, whoever presently holds both a benefice and an office, will continue to possess both of them in accord with canon 4 of the Code of Canon Law.

11. Whenever for a serious reason the norm set down in n. 9 must be derogated from, the beneficiary must, in accord with n. 12 which follows, surrender twenty per cent (20%) of the monthly compensation or prebend of the lesser benefice. However, this percentage will be increased in proportion to the greater prebend of a benefice of

3Cf. Æ4S, 4 (1912), 10-11.

4Cf. /1/1S 59 (1967), 927; *Canon Law Digest,* 6, p. 356.

higher rank as will be set forth in an instruction soon to be published by (he Administration of the Patrimony of the Holy See.

12. Deductions made from the prebends of benefices are destined for needy priests who arc exercising the sacred ministry in the Diocese of Rome.

13. To facilitate making these deductions, the competent administrative office of the Holy See, after receiving reports of the prebends of the individual benefices, will deduct the aforesaid amount from the compensation due each month.

14. With reference to priests who formerly belonged to a religious order or congregation or to some institute, the canonical norms on this matter are to be observed.

15. Following is the procedure which will be followed in the conferral of benefices:

a) *bi patriarchal basilicas:*

After the Roman Pontiff has named a person for a certain benefice, the Secretary of State will draw up the document and give it to the cardinal vicar of Rome to execute it. The cardinal vicar will make known the nomination to the cardinal archpriest and transmit a copy of the original document to him. Then it will belong to the cardinal archpriest, either personally or by delegate, to induct the electee into the benefice together with all the effects of law.

However, this procedure is not observed in the Vatican Basilica because of the special situation of its cardinal archpriest in it.5 In this case the Secretary of State will give the document of nomination of the beneficiary to the cardinal archpriest who, personally or by delegate, will induct the beneficiary into possession of the benefice.

b) *hi minor and collegiate basilicas:*

After the Roman Pontiff has named a person to a certain benefice, the Secretary of State will draw up the document and give it to the cardinal vicar of Rome for due execution. It will belong to the cardinal vicar to make the said nomination known to the cardinal titular of the church or to his vicar and also to transmit to him a copy of the original document. Then the cardinal titular or his vicar will, personally or by delegate, induct the beneficiary into possession.

5Cf. Benedict XIV, ap. const., *Ad honorandum,* of 27 March, 1752.

16. Unless a secretary already exists, each chapter is to electa secretary who, in addition to other duties defined in its constitutions, also has the obligation of informing the vicariate of Rome as soon as any benefice for any reason becomes vacant. Then, on each occasion, the vicariate of Rome must report the matter to the Secretary of State.

On the other hand, the secretary of the chapter of the patriarchal Vatican basilica shall make the report directly to the Secretary of State.

17. All beneficiaries are obliged in conscience to discharge diligently the choir duties set down in their constitutions. Anyone who without just cause is absent from choir on ten successive occasions or on twenty interrupted occasions, in addition to loss of compensation *inter praesentes,* can be deprived of his benefice after he shall have been warned in writing by the head of the chapter. The secretary of the chapter must, at the end of each year, inform the chapter and the cardinal vicar of Rome about unlawful absence by the beneficiaries. If there is question of the chapter of the patriarchal Vatican basilica, its secretary will notify the cardinal archpriest himself about the matter.

18. All beneficiaries should be ready to render assistance to any apostolic work in the church in which they possess a benefice, especially if the church has attached to it the care of souls.

19.We wish that this letter go into effect from the very day on which it is issued.

Everything which has been set down in this letter of Ours, which is issued *motu proprio,* We order to be firm and established, all things to the contrary notwithstanding, even those worthy of special mention.

Given at Rome, from St. Peter's, the 30th day of the month of June in the year 1968, the sixth of Our pontificate.

AAS 60-377; Paul Vl.Aforu *propria,* 30 June, 1968.

CANON 1506

Special Diocesan Taxes on Priests' Income (S. C. Cone., 15 Jan., 1960) Private.

Petition. The bishop of Munster humbly sets forth the following: There are three taxes which arc wont to be imposed upon the

income of diocesan priests: 1) 5% for the support of needy priests who are exercising the care of souls in the so-called "Diaspora" areas or who have already become *emeriti;* 2) 3% for the diocesan fund called the "Pension Fund," which helps priests suffering from old age or inactivity; 3) *2%* for another diocesan fund called "The Program for Housekeepers." This fund provides subsistance for Sisters and housekeepers who were in service to the priests and who are suffering need because of the death of the priests or for other cause.

Each and all of these three taxes are freely paid by the priests. However, the tax mentioned under n. 1) was imposed in accord with the rescripts of the Sacred Congregation of the Council of 9 January, 1951, Prot. N. 5142/5 OA, and of 3 March, 1955, Prot. N. 4058/D.

For the proper regulation of the business, on the other hand, the bishop-petitioner earnestly requests of Your Holiness apostolic approval so that each and all of the three taxes can be imposed. With reference to the past, he requests a sanation insofar as one may be necessary.

Ihe cathedral chapter and the diocesan administrative council have given an affirmative vote.

Reply. After having attended to the recitals of the bishop of Munster, the Sacred Congregation of the Council graciously imparts to him the faculty requested for a five-year period together with a sanation as regards the past but with observance of what must be observed.

Given at Rome, the 15th day of January, 1960.

(Private); S. C. Cone., Reply, 15 Jan., I960, Prot. N. 48651/A. This induit was renewed for another five-year period on 6 Oct., 1964, Prot. N. 93863/A, reported in *Archtv. K. K.,* 138 (1969), 585-586.

CANON 1532

Alienations, Debts: Spain: 10 million pesetas is new norm? S. C. Clcr., 31 Jan., 1968; reported with annotations (Regatillo) in *Sal Terrae,* 57 (1969), 125.

Limit Values in Various National Currencies, fixed by respective episcopal conferences. *See* c. 66, ref.

Precious Objects: Alienation of: permission of Holy Sec still required. *See* c. 1261; S. C. Clcr., 11 April, 1971, n. 7.

l See *Canon Law Digest,* 6, p. 157.

BOOK IV

PROCEDURE

Canons 1552 - 2194

CANON 1552

Duc Process for Church in the United States (Sec. St., 30 Oct., 1971) Private.

In November of 1969, the National Conference of Catholic Bishops (NCCB) endorsed the report on due process which had been presented to that body by the Canon Law Society of America (CLSA). In October of 1970, His Eminence, Cardinal Dearden, then president of NCCB, had an audience with the Holy Father in which the procedures of conciliation and arbitration[1] were discussed in relation to the particular needs and the cultural and legal traditions of our country. Following this audience, the Holy Father showed a continued interest in the matter by establishing a special commission, headed by His Eminence, Cardinal Felici, to study the specifics of the plans presented in the CLSA study. The meetings of the commission, which included members of the NCCB and the CLSA, provided a valuable opportunity to clarify certain termsand concepts used in our country which sometimes have a different meaning for those familiar with legal systems stemming directly from Roman Law.

The results of the commission meetings were then reviewed by His Holiness who has now given, with certain stipulations, a *nihil obstat* to the procedures for use in this country. Because of its importance, the official English text of the *nihil obstat* is given here as follows:

Until other provisions are made, the Holy See has no objection to the experimental use, on the part of the episcopal conference of the United States, of the material contained in the document entitled "On Due Process" or Conciliation and Arbitration Plan. This, however, is on the condition that the text be changed – and that the changes be introduced into the text – as follows:

a) Art. Ill, n. 7, Appendix A (on Conciliation);[2] The arbitrator or

[1] Reported in *Proceedings of the 31st Annual Convention* (1969) of the Canon Law Society of America (134 Farmington Ave., Hartford, Connecticut, 01605), pp. 18-51.

[2] The text originally proposed had read: "The Member shall have no power to force the participants to adopt a solution. He shall have power, however, to determine that any participant is not cooperating in good faith. Prima facie evidence of lack of good faith will be failure to attend three scheduled meetings, failure to respond to a subtantial number of questions which the Member believes appropriate, or failure to suggest any way of accommodating the interests of the other participant. In the event that for these or other reasons the Member believes that a participant is not coopéra-

council member shall have no power to force the participants to adopt a solution. He shall have power, however, to determine that any participant is not cooperating in good faith. Such facts as failure to attend three scheduled meetings, failure to respond to a substantial number of questions which the Members believe appropriate, or failure to suggest any way of accomodating the interests of the other participant may be taken as evidence of a lack of good faith. In the event that for these or other good reasons the Member believes that a participant is not cooperating in good faith, he shall notify the Ordinary of the diocese, or if the Ordinary is a participant, the Chairman of the Bishops' Committee on Arbitration and Mediation. The Ordinary or the Chairman shall endeavor to persuade the participant to cooperate.

b) In Appendix B (on Arbitration), the process for arbitration may be experimented with if, and to the extent that, it seems wise to individual Ordinaries. However, the general agreements[3] mentioned in Article VII, n. 1, should be forbidden or regarded as inoperative if they have already been entered into.

The process for arbitration shall extend to disputes[4] about penalties imposed or declared administratively only if the arbitrators confine themselves to investigating whether or not the norms on the manner of proceeding have been justly and equitably observed, so that if they judge that the manner of proceeding is not to be approved, they shall refer the matter to the Bishop.

(Private); Sec. St., letter, 30 Oct., 1971, Prot. N. 6360/71 ; reported (without the footnotes) in the January 1972 *Newsletter* of CLSA. The complete, revised text of *Due Process* is available in booklet form from U.S.C.C. Publications Office, 1312 Massachusetts Ave., N.W., Washington, D. C. 20005.

ting in good faith, he shall apprise him of this belief orally and, failing cooperation, shall apprise him again in writing. If there is no cooperation after the written communication, the Member shall at once notify the Ordinary of the diocese, or, if the Ordinary is a participant, the Chairman of the Bishops' Committee on Arbitration and Mediation. The Ordinary or the Chairman shall endeavor to persuade the participant to cooperate (p. 34).

3Thc following sample general agreement had been proposed "We, the bishop and priests of the diocese of----------, recognizing the value of a process for arbitration commensurate with the needs of our times and the expectations of our people, vote for the establishment of an Office of Arbiaation in this diocese, and agree to submit to arbitration, in accordance with the rules and procedures of such Office, any and all controversies arising among all in the diocese." (p. 42).

4Appendix B, Art. IV, 1, b, of the proposed text read: "To all disputes between a person and a diocesan administrator or administrative body, where it is contended that an act or decision (including administrative sanctions and disciplinary actions) has violated Church law or natural equity." (p. 40).

Duc Process: Endorsement of, by bishops of the State of Michigan, Dec., 1969; reported in *Cath. Mind.,* 68 (Feb., 1970), 44-57; *see* pp. 12-20 for address on, by Bishop T. J. Gumbleton, auxiliary bishop of Detroit.

Due Process: Specimen forms: Ecclesiastical Province of Michigan, reported in *Horn. &Past. Rev.,* 70 (1969-70), 413-426, 432, 500-504, 524.

CANON 1553

Judicial Power: Its Role in the Church (Paul VI, 27 Jan., 1969) AAS 61-174.

After some remarks of greeting and thanks to the members of the Rota, Pope Paul VI went on to discuss the role of judicial power in the Church as follows:

In addition to the pleasure of a cordial and instructive encounter, this annual audience provides Us with a happy occasion to review and render honor to that judicial power with which the Catholic Church is invested. We recognize in such power the inborn and main expression of the authority with which the founder and unique and supreme head of the Church wished to invest her. He gave her the power not only to pour out on His mystical body the vivifying and sanctifying charism of the Spirit but also to govern it in His name as a visible, social, organic and hierarchical structure with jurisdictional power. The judiciary function is derived, as a matter of fact, from the power of jurisdiction, and both of them go back to the authority principle which in the Church is that of the spiritual kingship of Christ which is His due not only by reason of the supremacy of His divine person and His dignity as head of the Church but also by reason of His having conquered and merited it by the humility and generosity of His redemptive passion.[1] Moreover, we must recognize in the jurisdictional power of the Church the exercise of a causality different from that which sanctifies since this sanctifying causality has Christ as its sole font and since he who dispenses it is only a minister, only an instrument. On the other hand, jurisdictional power, while drawing its strength and reason for existence from Christ, possesses its own proper human manner of proceeding which makes him who is invested with it, a responsible executor, a secondary cause as the theologians put it.[2] All the same, it also

[1]Cf. *Summa Theol.,* Ill, 47,2; 48,1; 59,3; Pius XII, encyc. *Quas primas, AAS* 17 (1925), 593 ff.

[2]*Cf. Summa Theol.,* III. 8, 6; Journet: *L Eglise,* cd. 3, I. p. 159.

renders glory to the Lord Jesus because it represents Him,[3] fulfills His mission, serves His followers, and bears witness to His historical presence in the world.

Everybody knows that recognition of jurisdictional power is part of the picture of that aggregate ecclesiology which we hold to be authentic and which, without any overlooking of the reality and profundity of its mystical and charismatic aspect, at the same time considers its visible and social aspect which qualifies the Church as a juridically perfect society, not precisely the same as a civil society, but as primal and unique because, in consequence of its own special purpose and the means by which it is able to attain it, it defines itself as supernatural and spiritual and finds within itself, by provision of its divine founder, the resources for its existence and its activity.[4] That this is also true of the judiciary power is easily proved from New Testament sources, which are also known by all,[5] and from the whole of ecclesiastical tradition,[6] confirmed by the recent Second Vatican Council which, as you recall, says in its dogmatic constitution, *Lumen gentium.* "Bishops have the sacred right and, before the Lord, the duty to make laws for their subjects, to pass judgment, and to regulate everything which pertains to worship and to the apostolate."[7] It is worthwhile to recall this because of the fact that, since today the concept of authority in the Church is justly being brought back to its reason for existence, which is that of service, there should be no misunderstanding regarding the origin of that very authority as though it emanated from the community of the faithful and was not derived from its own superior source, the divine law. Nor should this source, its efficient cause, be confused with the purpose for which Christ established it, namely, for the guidance and salvation of the People of God. Neither should rhe very exercise of the legitimate authority of the Church be unduly hampered in the discharge of its functions which are directed precisely to the manifold service of the everincreasing extensive and complex needs of ecclesial life. In this connection, it would be instructive to recall the example of Pope St. Gregory the Great who wished explicitly to be distinguished with a title of humility and service and characterized himself as *tbe servant of tbe servants of*

3Cf. *2 Cor.* 5:20.
4Cf. Leo XIII, encyc. *Immortale Det, ASS* 18, p. 165.
sCf. *Mt.* 18:17; / *Cor.* 6:1 ff; *l Tim.* 5:19.
6Cf. Wcrnz-Vidal, VI, pp. 23 ff.
7N. 27.

God,3 and who had always, not less than but even more so than other popes, vindicated for the ministry of Peter *the care and chief command of the whole Church..8*

And so, by wishing to render honor to the ministerial character of the judiciary body to which you belong and give your valuable efforts, – the character which justifies it and makes it distinguished-We are pleased to see in this Sacred Tribunal some reflections of those Christian virtues with which, with the help of God, We wish to see Our apostolic office clothed. z\bove all else, Ours is a service of charity as is clear if We recall the mandate which resounds through the whole gospel of our Lord and if We listen to its echo in the exhortation of St. Bernard to Pope Eugene: "Your heart is like a public fountain from which everybody has the right to drink."10 Such also is your service which by its very competency is, in accord with established norms,11 open to the whole Church and, as is characteristic of charity, extends its solicitude beyond all boundaries. Furthermore, the increasing load of your work proves this.

Our pastoral service, then, We also wish to be one of truth, wisdom, justice and Christian prudence. It is under this aspect also, and indeed this aspect principally, that Our service is reflected in your judiciary activity if what St. Thomas12 teaches is true, namely, that every judgment implies a rational uprightness and that every judge is, in a sense, justice personified, *a certain animated justice.*

Some one may raise the question: In this defense of your specifc canonical function and in this alignment of your judiciary activity with Our apostolic mission, is there perhaps concealed that ideal and practical attitude which is so criticized by the promoters of the evangelical and spiritual reawakening in the Church, and is so opposed by the supporters of free-flowing charismatic currents or by those who are opposed in theory but in practice conspire for its secularization, – an attitude which has taken on the hybrid name of juridicism? This is not Our thought nor is this Our intention, namely, a Church in which canon law, divorced and formalistic, would prescind from the spirit of the gospel, or would prevail over theological speculation, or would stifle the formation of a

8Cf. Grisar; *San Gregorio,* pp. 74-75, 211.

9Cf. Battifoh *San Gregorio,* p. 207.

10*Dc Cons.,* I, V.

11 Canon 1599.

12Ila, Ilae, 60,1.

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conscience illumined by self-determination and would retard the development of the ascctical and truly religious life. Such a Church would not correspond to the renovating orientations of the Council nor, as a result, to Ours. But the Council not only docs not repudiate canon law which is the norm which spells out the duties and defends the rights of the members of the Church, but it takes it under its auspices and desires it as a consequence of the powers bequeathed by Christ to His Church, as a necessity of its nature which is social and visible, communitarian and hierarchical,[13] and as the juridical safeguard of liberty itself.[15] As a result, the Council has decreed the revision of the Code of Canon Law.[16] As is well known, this revision is already well under way and is being accommodated to criteria more in keeping with the pastoral mission of the Church and the legitimate needs of modern life.

It is not a spirit of juridicism, then, which animates this prudent and wise tribunal which is the minister of law and the interpreter of justice, and which is sensitive to equity and mercy as Our predecessor of venerable memory, Pius XII[17] has already declared. Rather, the spirit of the Catholic Church, the watchful guardian of Christian law and motherly interpreter of human reality, is: *The science of law must be drawn from the innermost nature of man}*[18]

Therefore, Wc gladly pay honor to this institution and support it by expressing to you Our gratitude, Our encouragement and Our praise.

At this point, Our discussion ought to return directly to your work. But you can well imagine what Our thought is in this regard without Our drawing any further upon your patient attention.

At this time there arc many issues which are serious and critical: renewal of the life of the Church, apprehension on the part of some of her children, change in contemporary mentality, weakening of social morality, acceleration of every form of human activity, progress in the fields of law and science, need for witness to integrity, firmness, goodness, and expectation that the Catholic Church, in its every manifestation, may become more conscious of her mission, more free from temporal interests, more radiant of the gospel of salvation she bears. It is obvious that We also expect from

[13] Cf. Dog. const. *Lumen gentium,* n. 27.
[14] Cf. *ibid.,* n. 45; and the decree, *Perfectae caritatis,*
[15] Cf. declar. *Dignitatis humane,* n. 15.
[16] Decree *Christus Dominus,* η. 44.
[17] Cf. *Discorsie Radiomessaggi,* vol. II. np. 234 ff.
[18] Ciccro: *De Legibus,* II.

you. sons, brothers and gentlemen of Our renowned tribunal, the Sacred Roman Rota, a new commitment to perfection in each one of its members: personal, forensic, functional. We Ourselves stand ready to support it and favor it so that it may always merit greater public trust and many have for itself, together with Our apostolic blessing, that of God.

AAS 61-174; Paul VI, Allocution, 27 Jan., 1969.

CANON 1570

Ecclesiastical Tribunals in Colombia: Establishment and Norms (S. C. Sacr., 17 June, 1967; 22 Aug., 1967) Private.

hollowing is the decree and the set of norms for the organization of provincial ecclesiastical tribunals in the territory of Colombia, South America.

lhe Conference of Bishops of Colombia, South America, has before it:

the apostolic letter, *Qua cura,* issued *motu proprio,* by Pope Pius XI on 8 December, 1938 (AAS' 34-410) which beneficially and carefully provided for the ecclesiastical tribunals of Italy;

the decree of the S. Congregation of the Sacraments, 28 January, H46 *(AAS* 38-281) for the organization of the ecclesiastical matrimonial tribunals of Canada;

the decree of the same Congregation, 31 December, 19562 (.4/10' 39-163) tor the organization of ecclesiastical matrimonial tribunals of the Philippine Islands;

the decree of the same Congregation, 16 February, 1965, for the establishment of ecclesiastical tribunals at Marseille and Aix for the handling of cases of nullity of marriage of the eight dioceses of southern France;

the decree of the same Congregation, 17 February, 1965, for the establishment of ecclesiastical tribunals at Toulouse and Rodez for cases of nullity of marriage of the other eleven dioceses of France;

the decree of the S. Consistorial Congregation, 18 May, 1965 (A/l.S' 57-1006) "Handling of cases of Toulouse, Rodez and others,"

' Reported in *Canon Law Digest,* 3, pp. 622-629.

-Reported in *Canon Law Digest,* 4, pp. 410-416.

whereby the preceding decree was extended to cases both contentious and criminal.

After having weighed the serious difficulties which the said Conference is experiencing, especially at the present time, in setting up appropriate and qualified tribunals because of the dearth of priests who would be engaged in judiciary work, it requests of the Sacred Congregation of the Sacraments that, with extension of competency from the S. Consistorial Congregation to handle cases, both criminal and contentious, and from the S. Congregation for the Propagation of the Faith for missionary areas, the ecclesiastical tribunals of Colombia be organized as follows:

Provincial tribunals should be established for handling cases of all kinds, whether matrimonial (formal, summary, separation of spouses) or contentious or criminal.

The provincial tribunals of first instance should be common to all the dioceses of each province and, moreover, should be *proper* to each province. Furthermore, the competence of the provincial tribunal *should be extended* also to the territories entrusted to the propagators of the Christian faith.

Likewise there should be established in the city of Bogota a sole tribunal of appeal for the handling, in second instance, of all cases of the territory of Colombia, but always keeping intact the right of appealing directly to the tribunal of the Sacred Roman Rota in accord with canon 1599, §1, 1° of the Code of Canon Law.

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After this Sacred Congregation of the Sacraments had duly weighed this petition and had requested an extension of competency from the Sacred Congregation of the Consistory (letter of 5 May, Prot. N. 521/67) and of the Propagation of the Faith (letter of 5 May, Prot. N. 2069/67), and had attended to the favorable opinion of His Excellency, the Apostolic Nuncio in Colombia, it reported the matter through the undersigned cardinal prefect to His Holiness, Pope Paul VI, in the audience graciously granted him on 17 June, 1967.

His Holiness has deigned to establish the following *for a five-year period and by way of experiment* and decreed that they be put into execution, all things to the contrary notwithstanding, even those worthy of special mention.

1. There are established eight provincial tribunals, namely, in the metropolitan sees of Bogota, Cali, Cartagena, Manizalcs, Medellin,

Nueva Pamplona, Popayan and Tunja. These are to decide, in first instance, matrimonial cases of nullity, whether formal or summary, cases of separation of spouses, as well as contentious and criminal cases of the suffragan dioceses, vicariates apostolic and prefectures apostolic.

II. In the city of Bogota there is established a sole tribunal of appeals to decide, in second instance, *all* cases which have been handled in the first instance by the provincial tribunals of the territory of Colombia but always keeping intact the right of appeal to the tribunal of the Sacred Roman Rota in accord with canon 1559, §1,1°.

However, the sole tribunal of appeal established in the city of Bogota should have its own seat, completely distinct from that of the tribunal of first instance, with an officialis, vice-officialis, judges, promoter of justice, defender of the bond, and other officers different from those who serve in the provincial tribunals.

III. The officiales, vice-officiales, judges, promoters of justice and defenders of the bond (as well as, if need be, their substitutes) of the eight provincial tribunals must be selected equally from all the dioceses, vicariates apostolic and prefectures apostolic. Moreover, all must be set up, *for validity,* in accord with the majority vote in the provincial conferences of bishops.

IV. The officialis, vice-officialis, judges, promoter of justice and the defender of the bond (as well as, if need be, their substitues) of the sole tribunal of appeal should be nominated by the National Conference of Bishops, also by majority vote, and with the approval of the Sacred Congregation of the Sacraments.

V. The Sacred Congregation of the Sacraments will define the rights and obligations of the provincial tribunals of first instance and of the sole tribunal of appeal; also the method of procedure, the time for execution of what has been established above, and temporary norms relative to pending cases.

The said Sacred Congregation shall, in keeping with its assignment, exercise vigilant and earnest care to see that the officiales, judges and, especially, the promoters of justice and defenders of the bond properly and diligently discharge their functions in accord with the norms already issued or to be issued by the said S. Congregation.

VI. On the other hand, the National Conference of Bishops should itself use its own right to establish the boundaries of the ecclesiastical provinces in the territory of Colombia.

Given at Rome, from the offices of the Sacred Congregation of the Sacraments, the 22nd day of August, 1967.

♦ ♦ ♦

NORMS

for executing tbe decree of 17 June, 196 7,2 A on tbe organization of tbe Provincial Ecclesiastical Tribunals and tbe sole Superior Tribunal of Appeal in tbe territory of Colombia for tbe handling of matrimonial cases ofnullity in thefirst and second degrees ofjurisdiction.

In order to put into effect the prescriptions of the aforesaid decree of 17 June, 1967, this Sacred Congregation decrees the following:

Chapter I

Tbe Governing Authority, Judges and Officers oj tbe Tribunals

Art. I. a) I'he provincial tribunal is under the authority of the archbishop of the place where it has its seat. He, therefore, governs and directs it in the name of all the bishops of the province, and has all the rights and duties which, according to the sacred canons and the instruction of this Sacred Congregation of 15 August, 1936,3 belong to local Ordinaries with regard to their own tribunal unless it is otherwise provided below or the subject matter requires.

b) When the metropolitan see of the archbishop-moderator is vacant, the provincial tribunal should be governed according to law and the instruction of 15 August, 1936. However, rhe appointment and dismissal of persons shall be done in the provincial conference of bishops under the chairmanship of the senior archbishop.

c) I'he sole superior tribunal of appeal is under the authority of this Sacred Congregation, which is represented by His Excellency, the Apostolic Nuncio for the time being and, in his absence, by him who legitimately takes the place of the apostolic nuncio.

To be noted is that this date is that of the audience in which the decree was discussed and .s not the date given at rhe end of the decree itself, sc.. 22 Aug., 1967.

3Reported in *Canon I.aw Digest,* 2, pp. 471-530

Art. 2. The judges and officers of rhe provincial tribunal shall be set up in the provincial conference of the Ordinaries of the province.

The names of those who are to be elected to the functions of officialis (as well as vice-officialis, if any), judge, promoter of jusree, defender of the bond (and their substitutes, if any) of the provincial tribunals of first instance shall be communicated as soon as possible to His Excellency, the Apostolic Nuncio of the territory of Colombia by His Excellency, the President of the Provincial Conference, together with an indication of age, studies, a summary life sketch, and also a testimonial regarding their priestly virtue so that the said Nuncio may be given the opportunity to state whether there is any objection to the appointment of any of those elected.

Art. 3. Candidates for the offices of officialis, vice-officialis, judge, promoter of justice and defender of the bond (and their substitutes, if any) of the sole superior tribunal of appeal must be proposed by the Ordinaries of the territory of Colombia in general session under the chairmanship of His Excellency, the Apostolic Nuncio, to this Sacred Congregation which will elect them to the respective offices.

On the other hand the other officers of the sole superior tribunal of appeal shall be appointed by the aforesaid general session of bishops.

Together with the names of the candidates, there should be transmitted to this Sacred Congregation for each of them an indication of age, studies, a summary life sketch, as well as a testimonial regarding their priestly virtues, as stated above in art. 2.

This Sacred Congregation, if it secs fit, will be able to elect persons different from the proposed candidates.

Art. 4. Care shall be taken that the candidates should not only be outstanding in moral integrity and have the doctorate or, at least, the licentiate in canon law or, if not, should actually possess juridical learning and experience, but also should be able to spend sufficient time in the proper discharge of the offices conferred on them.

The appointments mentioned above should, as a rule, be made *for ii tbree-year term,* but without prejudice to the right to confirm them for successive three-ycar terms.

Art. 5. All those who constitute the provincial tribunal or who work for it must take an oath before the archbishop-moderator of the provincial tribunal to perform their duty duly and faithfully.

Judges and all officers of the sole superior tribunal of appeal shall take the oath before His Excellency, the Apostolic Nuncio for the time being.

Art. 6. , The officialis, vicc-officialis, judges, promoter of justice and defender of the bond (as well as their substitutes, if any) of the provincial tribunal of first instance cannot be removed during their office by the archbishop of the seat of the provincial tribunal except for a serious and urgent reason and after having heard His Excellency, the Apostolic Nuncio, who will immediately inform this Sacred Congregation.

On the other hand, the above-mentioned officers of the sole superior tribunal of appeal can be removed only by this Sacred Congregation.

Art. 7. No one can function as judge in a matrimonial case if he is actually engaged in the office of advocate or procurator either directly or through another person, even if he is so acting in other tribunals of the Holy Sec. The same holds true for the promoter of justice and the defender of the bond. All of these are strictly forbidden to intervene in any way in matrimonial cases of any kind outside the scope of their office.

Art. 8. The archbishop of the seat of the provincial tribunal, after having taken counsel with the other bishops of the province, should see to it that a roster of the advocates and procurators of the tribunal be compiled in accord with arts. 17-5 3 [sic] of the above-mentioned instruction. The same thing shall be done as regards the sole superior tribunal of appeal by His Excellency, the Apostolic Nuncio, after he has obtained the previous approval of this Sacred Congregation.

Chapter II

Procedure in Handling Matrinomial Cases

Art. 9. In order to proceed safely in the handling of matrimonial cases in the provincial tribunals which were established by the aforesaid decree of 17 June of the current year in the territory of Colombia, the above-mentioned instruction of 15/8/1936 is to be observed exactly, with only the additions or modifications noted below.

Art. 10. As to the competency of the provincial tribunal *of* first instance, articles 1-12 of the aforementioned instruction should be observed, mindful that the provincial tribunal is *common* and also *proper* to each one *of the* dioceses of the provinces as well as to the individual missions, whether there is question of matrimonial cases

of all kinds or to cases of separation of spouses or to contentious or criminal cases.

Art. II. Cases ahould be registered as follows; first there should be placed the name of the provincial tribunal; then of the diocese where the marriage was celebrated or of the defendant; finally, the title of the case, e.g., *Tribunal Bogotensc-Zipaquiren. Nuditatis Matrimonii (N.N.).*

Art. 12. It belongs to the bishop of the domicile of the spouses to pass judgment on the existence of the circumstances mentioned in arts. 38, §2 and 39, b) of the instruction, *Provida Mater.*4 However, before passing judgment, he will appropriately treat of it with His Excellency, the moderator of the tribunal.

Art. /3. It belongs to his excellency, the moderator of the tribunal, to admit or to designate a guardian or curator as provided lor in art. 78 of the cited instruction, after having taken counsel with the bishop of the defendant for whom the guardian or curator is to be constituted.

Art. 14. a) In the exceptional cases mentioned in canons 1990-1992, every petition whatever is to be sent to the archbishop of the provincial tribunal who, after having first obtained the opinion of the bishop of the spouses' domicile, should take cognizance of it in accord with Title XV of the cited instruction. However, the officialis mentioned in art. 228 of the instruction, is the officialis of the provincial tribunal.

b) lhe defender of the bond, on the other hand, should not readily fail to interpose the appeal to the tribunal of second instance as referred to in art. 229 of the instruction, *Provida Mater,* especially when there is question of impediments from which a dispensation is usually granted.

Chapter III

Compensation for Tribunal Officers, Advocates and Procuartors: Taxes and Judicial Expenses

Art. 15. Compensation for the officers of the tribunals should be fixed by the conference of bishops after having considered well the circumstances of time and place as well as the number of cases so that the said officers may be given suitable return.

4Samc instruction mentioned earlier, sc., 15 Aug.. 1936

Art. 16. The said conference of bishops should fix a schedule of taxes and judicial expenses as well as of emoluments pertaining to advocates and procurators for handling matrimonial cases of nullity.

The very schedule of taxes, judicial expenses (mindful of art. 233 of the cited instruction), and emoluments must be clearly known to the litigants.

Art. 17. The Most Excellent Ordinaries in their customary regional conferences should determine the contribution by each of the dioceses for the expenses of the tribunals; it should be proportioned to the number of Catholics or also, if it seems appropriate, to the number of cases for the individual dioceses.

As regards gratuitous or semi-gratuitous legal assistance when this should be conceded in accordance with law (canons 1914 ff; arts. 237 ff. of the instruction, *Provida Mater),* the diocese or dioceses of the litigants should bear the burden of meeting the expenses.

Art. 18. The most excellent moderators should take care that, after having taken counsel with the other bishops of the region or province, a library should be juridically set up in the seat of the tribunals of first instance or in the seat of the sole superior tribunal of appeal for the furtherance of the work of the officers.

Chapter IV

Temporary or Transitory Norms

The above provisions as well as the decree *of* 17 June, 1967 on the organization of ecclesiastical tribunals in the territory of Colombia should be executed on 12 October, 1967.

With regard to cases which are pending in the first instance in diocesan tribunals on that date, the following procedure should be followed:

1) If the bill of complaint has already been presented but the case has not yet reached the joinder of issue or rhe definition of issue (canon 1727 of the Code; art. *88 of* the instruction, *Provida Mater),* the bill of complaint itself should be transmitted to the competent tribunal of first instance in accord with the above decree and the diocesan tribunal shall proceed no further with the case.

2) If the process in first instance has only been initiated by the joinder of issue, and if the parties, the defender of the bond and the promoter of justice, if he has intervened in the case, do not object,

the process can be transferred to the competent tribunal of first instance in accord with the above decree.

3) If the case has already been closed (art. 177 of the instruction, *Provida Mater),* the diocesan tribunal must of necessity issue the definitive decision.

4) With the necessary changes, the same procedure should be followed in cases which are being acted upon in the appellate level.

His Holiness, Pope Paul VI, in the audience granted on 17 June, 1967, to His Eminence, the prefect of this Sacred Congregation has graciously deigned to confirm and ratify the aforesaid norms.

Given at Rome, from the offices of the Sacred Congregation of the Sacraments, the 22nd day of August, 1967.

(Private); S. C. Sacr., Decree and Norms, 17 June, 1967, and 22 Aug., 1967, reported in *Revista Espanola de Derecho Canonico,* 25 (1969), 385-391 with annotations on pp. 392-402 (Tobon Mejia).

Ecclesiastical Tribunals: Status and Activity (Sig. Apost., 28 Dec., 1970) AAS 63-480.

Ihe Apostolic Signatura addressed this "circular letter to rhe presidents of the episcopal conferences on the status and activity of ecclesiastical tribunals."

Among other areas of new competency entrusted to this Supreme Iribunal in virtue of the constitution, *Regimini Ecclesiae Universae,* by which on 15 August, 1967, the Supreme Pontiff, Paul VI, reorganized the Roman Curia, not in the last place is the duty of supervising "the correct administration of justice" with regard to all cases, not excluding marriage cases, and, as a result, of taking care of the establishment of tribunals: regional or interregional[1] or interritual.[2]

Up to the reorganization of the Curia, the Sacred Congregation for the Discipline of the Sacraments[3] diligently exercised vigilance over tribunals as regard marriage cases as well as diligently supervised up-to-date regulation of the tribunals and, as necessity required,

*AAS, 59 (1967),921, n. *105; Canon Law Digest,* 6, p. 351, n. 105.

2*Motu proprio, Sollicitudinem nostram,* can. 38 (AAS, 42 (195O|, 13-14).

3To it belonged and still belongs whatever is customarily decreed and granted in the discipline of marriage (cf. *C.I.C.,* can. 249, §2; ap. const.. *Regimini Ecclesiae Universae,* η. 55, in AAS, 59 119671, 903-904. *Canon Law Digest,* 6, p. 335).

their adaptation to circumstances. This solicitous attention, however, has now been handed over to this Supreme Tribunal because it seems to harmonize wisely with the Tribunal's duty and its unifying competence. This unification, surely, was one of the principal norms employed in the reorganization of the Roman Curia in accord with the wishes of the Second Vatican Ecumenical Council.[4]

I

1. The Sacred Congregation for the Discipline of the Sacraments by its letter, *In plenariis,* issued on 1 July, 1932,[5] for the first time regulated the "vigilance" over tribunals so that the local Ordinaries were obliged to send each year to the said Sacred Congregation reports on the status and activity of their tribunal.

2. The solicitude and activity of the Sacred Congregation increased so much that on 24 May, 1939, the "Office of Vigilance" was established. Its main duty was to weigh the reports and to examine all the sentences which were passed each year by the individual tribunals.

3. Preceding the establishment of this office, however, was the letter, *Qua cura, of* Pius XI, issued *motu proprio* on 8 December, 1938,[6] whereby the ecclesiastical tribunals for cases of nullity of marriage in Italy were regulated. Behind this move, as the Roman Pontiff himself admitted, was the Sacred Congregation for the Discipline of the Sacraments which by several years of work had been collecting accurate information regarding the cases and the tribunals.[7]

Following this first regulation, however, were very many others in various nations, particularly by decrees of the said Sacred Congregation. The Sacred Consistorial Congregation brought these initial moves to completion by extending certain decrees of the Sacred Congregation for the Discipline[Q] of the Sacraments to other cases, whether contentious or criminal.

4 Deer, on [be Past. Off. of lips., n. 9.

5/VlS, 24 (1932), 272-274; reported in *Canon Law Digest,* 1, pp. 801-804. This letter was again published in *AAS,* 28 (1936), 368-370.

6AAS, 30 (1938), 410-413.

[R] *¡AA5,* 30 (1938), 411.

I he first extension was made in favor of some regional tribunals in France by the decree of 18 May. 1965 *(AAS,* 57 11965 h 1006-1007).

4. From all this is evident that, when there is question of advancing the administration of justice, there is a very close connection between continual vigilance and up-to-date, studied regulation of the tribunals as Paul VI has wisely pointed out when he assigned this double duty as one to the competence of this Supreme Tribunal: "We confirm as intact the duty of the [Apostolic Signatura] to exercise vigilance and, likewise, to establish, as need demands, new regional or interregional tribunals just as it has very providentially already done in many regions."9

II

5. This Supreme Tribunal has taken up the double duty entrusted to it. At the same time that it has already begun to provide for up-to-date regulation of tribunals by a letter sent to the episcopal conferences, it sets about its second duty through the present circular letter, after having also listened to the episcopal conferences, wishing to exercise vigilance not with the intent of referring everything to itself alone but of offering fraternal assistance to the tribunals of the bishops and of providing service to them, dispersed as they are throughout the world, for the good of souls, by the correct administration of justice.

It is in this kind of spirit that this Supreme Tribunal takes this occasion earnestly to exhort local Ordinaries once again to consider whether that unification of tribunals which, in the words of the Supreme Pontiff, has already been "most providentially" established in many regions, should also be introduced in their region so that the administration of justice in the universal Church, especially as regards matrimonial matters, may turn out to be speedier and better for the salvation of souls which, at times, are exposed to very great danger if their personal status is not defined as quickly and duly as possible. If need be, priests should be called in also from other regions to take up the various tribunal assignments.

6. In order to increase the desired cooperation and in order to bring effective assistance in the serious office of the administration of justice, very great benefit will be had from reports on the status and the activity of tribunals of every kind, including those of religious and those in mission territories. These reports must be drawn up by the individual tribunal moderators, whether they belong to the Latin Church or to the Oriental Church, with consideration had both of common law and of particular law or norms.

9Consr. *Regimini Ecclesiae Universae,* in /VIS, 59 (1967), 889.

7. I he aforesaid reports should be transmitted to this Supreme Iribunai of the Apostolie Signatura either through the General Statistics Office of the Church or through the apostolic nuncios or delegates unless some other provision has been expressly made for some nations.

Ill

8. In rhe report, which must be transmitted *each year,* and which must treat of all cases of every kind of tribunal, both the cases which have been handled and adjudicated in formal process or in summary' process, as well as those which have only been introduced, answers should be given, insofar as the matter warrants, to the individual questions, both those which are set forth in the form appended to this letter and those which follow:

9. 1) Is the nomination of the officialis, vicc-officiales and other judges, the promoter of justice, the defender of the bond, and the notary made according to the prescriptions of the law both as regards their qualifications and the nominating authority?

2) Are the provisions of law observed regarding advocates and procurators, regarding the selection and admission of witnesses and experts, and regarding the faithful discharge of their duties?

3) In a collegiate tribunal, is the collegiate process followed? Also, do the individual judges called in for the deliberations bring in their written conclusions as regards the merit of the case together with the reasons, both in law and in fact, by which they came to those conclusions?

4) Are the judicial and conventional time limits observed, and are cases concluded as speedily as possible both in first and in second instances?

5) Has a list of judicial fees been drafted in accord with the law and does it determine what the parties owe for judicial expenses as well as what compensation must be paid by the parties for the services rendered by advocates and procuartors?

6) Has due vigilance been exercised lest advocates and procurators demand immoderate compensation? /Xnd, if they have done so, were appropriate remedies used against them?

7) Was the sentence drawn up in not more than a month's time, and was its publication made not more than two months from the date of the decision?

8) On what grounds was complaint of nullity, if any, lodged against any sentence?

9) If no sentence was passed within the year, the reasons for this silence should be indicated.

10) On what grounds of nullity were the individual sentences pronounced?

11) On what ground did exceptional cases occur in which the Ordinary declared nullity in accord with canons 1990-1992 of *C.I.C.,* or with the *motu proprio, Sollicitudinem nostram,* nn. 498-500? 10

10. The questions listed in n. 9 and on the appended sheets do not detract anything from induits or particular laws passed by apostolic authority and still in force, and are not prejudicial to the law of the Oriental Churches. As a result, the reports and the answers must tend to afford information on the faithful observance of the respective procedural laws.

IV

11.*Every five years,* in the month of January, beginning with 1972, together with the report on the status of the diocese but on a separate sheet should be sent a report on the status of the tribunal in which must be indicated:

1) Whether the diocese has its own duly constituted tribunal of first instance or, especially as regards cases of nullity of marriage, must it use an interdiocesan tribunal and which?

2) Can trials in second instance be had in the diocese? If the answer is affirmative, which are the diocesan tribunals from whose sentences in first instance appeal must be made to the tribunal of this diocese?

3)I'hc names of the officialis and the other judges, the promoter of justice, the defender of the bond, and also the academic degree which each one possesses.

4) Do at least the officialis or president of the tribunal and the other judges have the doctorate degree in canon law? Are they and the others mentioned in n. 3) free from other duties?

5) The names of the secretary of the tribunal and of those who function as recorders as well as the academic degrees which they have.

6) The names and academic degrees of the advocates, with particular mention made of those who arc priests. With reference to the procurators and the advocates, it should be signified whether the

10/1AS, 42 (1950),!06.

prescriptions of law have been observed for cases of nullity of marriage.

7) The list of fees which must be paid for tribunal expenses; the amount the Curia contributes to the expenses of the tribunal, whether diocesan or interdiocesan or regional; the program whereby the just remuneration of the tribunal judges and officers is regulated; the emoluments which must be paid to advocates and, where the case warrants, to experts·, whether these emoluments are paid directly by the parties or through the tribunal chancery; how gratuitous provision is made for legal assistance to the poor; the statistics on the proportion of both forms of legal assistance.

12. Not all sentences will have to be sent to this Supreme Tribunal but only those which are explicitly asked for and, in general, without the acta unless, at times, the acta themselves are also requested.

13. This Supreme Tribunal should be informed both of the nomination of the presidents and judges of all tribunals, including regional and appellate tribunals, together with a brief life sketch, and of their removal from office.

V

14. In order that the observance of the procedural laws, which the Roman Pontiff alone can change,[1] may be supervised with more expert care, the following points are set down:

1) If it should happen that some procedural norms are anywhere bypassed and if no other way is available to obtain observance of those laws, recourse is open to this Supreme Tribunal which will make provision in accord with art. 93 of the special norms of the Apostolic Signatura.[1a]

2) Left to the prudent judgment of the episcopal conference is the opportuneness or even the necessity of establishing a commission, which should not lack selected tribunal presidents, whose duty it is to report, in writing or orally, to the Apostolic Signatura on the activity of the tribunals of their region and on the observance of the procedural laws.

Insofar as a special commission cannot be established, at least the moderator of the tribunal should make the report.

[1] Cf. the *motu proprio* apostolic letter. *De episcoporum muneribus,* issued 15, iunc' η· IV, in /44S, 58 (1966), 469; *Canon Lau Digest,* 6, p. 397. Reported above in this volume under can. 259.

15. Finally, it helps to commend the following to the local Ordinaries as well as to the superiors general of religious institutes. First of all, in view of the norms of the Apostolic See* 2 and the recent allocution of the Supreme Pontiff to the tribunal of the S. R. Rota,12 in which canonical studies arc explicitly urged for future judges, they should overcome all dificulties and take diligent care to have select young men trained for the very serious work of adjudication.

Furthermore, they should promote meetings or courses on matters canonical whereby both judges and tribunal officers as well as advocates may increase and perfect their knowledge of canon law and acquaintance with jurisprudence and adapt all this to present-dav needs.

Finally, they should greatly esteem the work of adjudication, especially because, although it may perhaps be less agreeable and attractive inasmuch as it is without pleasure and fanfare, indeed, must be exercised behind closed doors, it possesses a truly pastoral character since it looks to the needs of souls and thus contributes to the benefit of the Church.

Ihe present circular letter will achieve its full and entire effect on the feast of the Annuntiation of B. V. M., that is, on the 25th day of March, 1971.

Given at Rome, at the seat of the Supreme Tribunal of the Apostolic Signatura, the 28th day of December, 1970.

AAS 63-480; Sig. Apost., letter, 28 Dec., 1970. Annotations in *Rev. Espan. deDer. Canon.,* 27 (1971), 363-390 (Amo Pachon).

12Cf., for example, the instruction, *Provida Maier:* "It is . . . the wish of the Holy See, as the Most Reverend Ordinaries of places well know, that select young priests who have received at least the doctorate in canon law in this Holy City, should be trained, especially at the school of the Sacred Roman Rota, to conduct trials properly and to decide cases rightly according to justice and truth." (S. C. Sacr., 15 August, 1936, in AAS, 28 |1936|, 314; *Canon Lau< Digest,* 2, p. 472).

I3"But this whole enormous effort of revision of the code will remain in good part sterile if at the same time provision is not also made for a renovation of the study of law itself, and for an increased number of those who dedicate themselves to specialized juridical studies and who will contribute tomorrow, in diverse ways and at various levels, to the actuation of the renovated laws of the Church. . . . We hope that your college will also make an effective contribution to this effort ... by continuing to develop a genuine work of canonical formation through the medium of your *Studio Rotale* which, though recent in origin, has already acquired undoubted merit in the eyes of the Church and in the eyes of science." (Paul VI, *allocution to the auditors, officials and advocates of the Tribunal of the S. R. Rota,* 12 February, 1968. in AAS, 60 119681, 206).

Norms for Interdiocesan or Regional or Interregional Tribunals (Sig. Apost., 28 Dec., 1970) AAS 63-486.

CHAPTER 1

Decision to Establish Tribunals

Art. 1

§1. In order that the handling of judicial cases, especially marriage cases, may be taken care of with greater care and speed, there should be had in the Church interdiocesan, regional or interregional tribunals. Their establishment is provided for by the Supreme Tribunal of the /Xpostolic Signatural either at the request of the bishops concerned, including those of the Oriental Churches, or also, if the case so warrants, at the decision of the said Supreme Tribunal of the Apostolic Signatura.

§2. The establishment, constitution and method of procedure of these tribunals are governed by the following norms without prejudice to the law of the Oriental Churches.

Art. 2

§1. If the establishment is made at the request of the bishops, the bishops concerned, after having sought and received the "nothing hinders" of the Supreme Tribunal of the Apostolic Signatura, draw up the decree of establishment which, however, will not have force except after approval by the Holy See.

§2. In order to request the "nothing hinders," the bishops concerned, united in their respective assembly, must agree among themselves and report to the Supreme Tribunal of the Apostolic Signatura·.

1) on the reasons why they stipulated that tribunals must be established.

2) on the trials or cases for which these tribunals arc being established, sc., whether for marriage cases only, whether of nullity' or of separation, or also for cases of rights and for criminal cases.

' "The Supreme Tribunal of the Apostolic Signatura provides for the establishment of regional and interregional tribunals" (Paul VI, ap. const.. *Regimini Ecclesiae Universae,* 15 Aug., 1967, n. 105, in AAS, 59 11967l, 921-, *Canon Law Digest,* 6, p. 351).

3) on the number of tribunals to be established for first and second instance, with clear indication of the dioceses (with their own proper "curial" name) for whose territory the common tribunal of first and second instance is to be constituted.

4) on the seat and territory of each kind of tribunal together with a geographical map on which is described what is sought for under art. 2, §2, n. 3).

§3. As often as there is question of regional tribunals, the *assembly* mentioned in §2 is the respective episcopal conference and the decision must be passed by at least two-thirds of the votes in accord with the decree, *Christus Dominus,* η. 38, 4.2 On the other hand, if there is question of interdiocesan tribunals which are not regional, the *assembly* is understood as the meeting of the bishops concerned who, indeed, must be unanimous regarding the individual points indicated above.

§4. In the executory letter of decree of establishment referred to in art. 2, §1, mention should be made of the approbation of the Holy See.

Art. 3

If the establishment takes place ar the instigation and decision of the Apostolic Signatura, this tribunal will proceed according to its own usage and practice.

CHAPTER 2

The Moderator, Judges and Officers of the Tribunals

Art. 4

The interdiocesan, regional, interregional tribunal is under the authority of the diocesan bishop of the place where it is located, or, if the episcopal see is vacant, of the senior bishop of the respective circuit. This bishop, inasmuch as he is the moderator of the tribunal, governs it in the name of all the bishops for whose territory it was constituted and to him belong all the rights and duties which, according to the sacred canons, belong to local Ordinaries relative to their own tribunal. This also holds regarding cases of nullity of marriage in accord with the instruction, *Provida Mater,3* of the

2AAS, 58 (1966),693.

3Reported in *Canon Law Digest,* 2, pp. 471-5 30.

Sacred Congregation for the Discipline of the Sacraments, 15 August, 1936, unless some other special provision has been madeor the matter under consideration clearly so demands.

Art. 5

§1. The officialis, judges, promoter of justice, defender of the bond, as well as their substitutes are appointed by an absolute majority of the votes which must be cast in the common assembly of the bishops of the respective territorial circuit for which the tribunal has been established.

§2. The other officers are appointed by the tribunal moderator in accord with common law.

§3. The nomination of the officialis, judges, promoter of justice, and defender of the bond should be made known to the Supreme Tribunal of the Apostolic Signatura.

Art. 6

All the aforesaid persons:

1.should, as a rule, possess the rank of priests, be outstanding in integrity, and, at least as far as judges are concerned, have a doctorate in canon law.

2. should really possess judicial learning and experience.

3.should be able to spend the necessary amount of time in the proper discharge of the duty conferred on them.

Art. 7

They are obliged to take an oath before the moderator or his delegate regarding the due and faithful discharge of their office.

Art. 8

§1. The officialis, judges, promoter of justice, defender of the bond (as well as their substitutes, unless the latter were deputed by way of act) cannot be removed from office except for a serious reason and by the respective common assembly of bishops in the same way in which they were appointed.

§2. On the other hand, in a case of urgent necessity, the tribunal moderator himself can suspend them but should provide for their removal or substitution according to art. 5, §1 of these norms.

§3. The Apostolic Signatura must always, however, be told of the removal.

Art. 9

§1. No one can perform the function of judge who shall have exercised the function of advocate or procurator in the same tribunal or is actually exercising such function in any other tribunal, whether directly or by substitute.

§2. The same thing holds true regarding the promoter of justice and the defender of the bond.

§3. /XII those mentioned in art. 8 are strictly forbidden to inject themselves in any way whatever into any kind of case outside their assignment.

Art. 10

After having taken counsel with the other bishops of the respective territorial circuit, the tribunal moderator should draw up a register of advocates and procurators with regard to whom the prescriptions of canons 165 5-1666 must be observed and, likewise, if they must exercise their duty in cases of nullity of marriage, the prescriptions of articles 47, §4; 48, §§2-4; 53, §2 of the aforesaid instruction, *Provida Mater.*

CHAPTER 3

Manner of Procedure in Handling of Cases

Art. 11

In the handling of cases the prescriptions of law should be accurately observed but with the additions and changes stipulated below.

Art. 12

I he bill of complaint should be laid before the moderator of the competent tribunal.

Art. 13

Cases should be registered as follows: first, there should be placed the name of the tribunal, namely, regional or intcrdioccsan or interregional; then the name of the diocese in whose tribunal the case should have been handled in first instance according to the common law; in the last place, the title of the case; for example, Florence,

that is, Pistoia. Nullity of marriage (N. N.); Lyon, that is, Grenoble. Nullity of marriage (N. N.).4

Art. 14

§1. It will belong to the tribunal moderator to admit or to designate a tutor or guardian in accord with canons 1648 and 1651 and without prejudice to art. 78, §3 of the above-mentioned instruction, *Provida Mater.*

§2. With regard to a procurator for minors, however, the prescription of canon 1648, §3 should be observed.

§3. On the other hand, the said moderator will decide these matters after having taken counsel with the Ordinary of the party for whom a tutor or guardian or procurator is to be appointed.

Art. 15

The local Ordinary referred to in articles 37-41 of the instruction, *Provida Mater,* must be understood as the Ordinary of domicile of the spouses. But before he passes his own judgment, he shall opportunely deal with the tribunal moderator.

Art. 16

§1. In the exceptional cases provided for in canons 1990-1992, every petition should be remitted to the tribunal moderator who, after having obtained the opinion of the bishop of domicile of the spouses, should review it in accordance with articles 226-231 of the above-cited instruction, *Provida Mater.*

§2. Likewise, the officialis referred to in art. 228 is the officialis of the said tribunal.

CHAPTER 4

Remuneration for Tribunal Officers, Advocates and Procurators; Fees and Judicial Expenses

Art. 17

Remuneration for the judges and officers should be determined in the assembly of the bishops of the respective territorial circuit after

4 Latin form *Fiorentina seu Pistorien. Nullitas matrimonii (N. N.); Lugdunen. seu Gratianopolitan, Nullitas matrimonii (N. N.).*

having considered well rhe circumstances of the assignments, places and times and the number of cases.

Art. 18

§1. In the same way and according to the same norm there should be determined a list of the fees and judicial expensesand of the emoluments pertinent to advocates and procurators.

§2. That kind of list, however, must be made clearly known to the litigants from rhe moment the introductory bill of complainst is exhibited.

Art. 19

Whenever gratuitous or semi-gratuitous legal assistance has been conceded, the burden of meeting the expenses devolves upon the fund set up by the respective assembly of bishops.

Art. 20

The same assembly shall decide in what measure or proportion each one of the dioceses shall provide assistance to the respective tribunals of first and second instance, both by supplying suitable priests for the assignments as judges and officers, and by paying a monetary contribution from which as well as from the entrance money of the tribunals the stipends of persons and the costs of each tribunal can be paid.

CHAPTER, 5

Temporary or Transitory Norms

Art. 21

The decree, whereby interdiocesan or regional or interregional tribunals of cither first or second instance are constituted and which has been approved by the Holy See, should be commited to execution as soon as possible by the president of the episcopal conference on a date to be determined by himself.

Art. 22

With regard to cases which, on the date of execution of the decree, are pending in the ordinary diocesan tribunals of the respective territorial circuit, these norms shall be observed:

1.Cases which are being acted upon in first instance, should be turned over to the new tribunal of first instance if the issues have not yet been defined in accordance with common law; cases, however, which look to nullity of marriage and are only in the initiatory stage can be turned over to the same tribunal if the consent of each of the spouses and of the defender of the bond is obtained.

On the other hand, if the decree of closing in the case has been already declared and issued, the definitive sentence must be pronounced by the tribunal before which the case was introduced.

In each case appeal is lodged with the new appellate tribunal, without prejudice, however, to the faculty referred to in canon 1599, §1, n. 1.

2.With the appropriate changes having been made, the same procedure should be followed in cases which are being acted upon in the appellate level.

The present norms shall obtain their full and entire effects on the feast of the Annuntiation of B. V. M., that is, on the 25th day of March, 1971.

Given at Rome, at the seat of the Supreme Tribunal of the Apostolic Signatura, the 28th day of December, 1970.

AAS 63-486; Sig. Apost., norms, 28 Dec., 1970. Annotations in *Rev. Espan, de Der. Canon.,* 27 (1971), 394-400 (Amo Pachôn).

I

Second Tribunal in Same Diocese (Sig. Apost., 2 Jan., 1971) Private.

In his petition of 11 December, 1969, His Eminence, the Archbishop of Paderborn, set forth the difficulties which his tribunal is experiencing in handling and defining marriage cases in the territory of his archdiocese which is located within the boundaries of Eastern Germany and requested the erection of a second tribunal in the city of Magdeburg which would be competent to sec cases of this kind for the faithful living in the aforesaid territory.

The Supreme Tribunal of the Apostolic Signatura, after having thoroughly considered all the circumstances occurring in the case decreed: "His Holiness is to be contacted for the favor of the erection of the Magdeburg Tribunal in keeping with the petition and for the commission of the function of second instance in the case to the Tribunal of Meissen, always without jeopardy to the right of the faithful to recur in second instance to the S. R. Rota as provided for in can. 1599, §1, 1°.

Ilis Holiness, Pope Paul VI, in the audience granted to the undersigned on 28 December, 1970, conceded the favors in accord with the opinion of the Apostolic Signatura.

From the seat of the Supreme Tribunal of the Apostolic Signatura, the 2nd day of January, 1971.

(Private); Sig. Apost., rescript, 2 Jan., 1971, Prot. N. 1127/69 VT, reported *in ArcbivK. K.,* 140(1971), 199.

Note The jurisdiction of the Magdeburg Tribunal was extended to include marriage cases of the faithful in four parishes (Blankenburg, Elbingerode, Hasselfelde, Hessen) of the Diocese of Hildesheim until further provision is made; Sig. Apost., rescript, 24 April, 1971, Prot. N. 1127/69; reported in *Arcbtv K. K.,* 140 (1971), 199.

Canada; Jurisdictional Changes for Tribunals (Sig. Apost., 4 March, 1971) Private.

Background. The Supreme Tribunal of the Apostolic Signatura requested the Canadian bishops, in late 1968, to submit suggestions and comments on the present system of territorial jurisdiction for tribunals.[1] Following lengthy consultations undertaken through the courtesy of the Canadian Canon Law Society, a report was forwarded to the Holy See in September, 1969, with recommendations for making the territorial jurisdictions more conducive to the spiritual well-being of the faithful.

Petition. By a letter of 20 January, 1971 (Prot. N. 177539), His Eminence, the Cardinal Secretary of State, transmitted to the Apostolic Signatura the petition of the Canadian Catholic Conference concerning changes to be introduced in the territorial jurisdiction of the tribunals of Canada.

To produce the effect at issue, the following proposals were made:

I. It seems that the present system of regional tribunals obtaining in the jurisdiction of Canada must be preserved.

II. The question about establishing other tribunals and of changes of tribunals already in existence in the region called "Ontario" and in the western Provinces must, it seems, be subjected to attentive examination by those interested.

III. The Canadian Catholic Conference should enjoy the faculty to erect new tribunals and to change their boundaries as often as it is deemed appropriate.

[1] Cf. *Canon Law Digest,* 3, pp. 622-629, 636-637.

IV. zXll tribunals should be "vital," namely, equipped with personnel and economic means sufficient for the correct and speedy administration of justice.

V. The erection of a Canadian national tribunal for the handling of cases on the appellate level and for solving other questions, even in third instance, is petitioned.

VI. The faithful of the Oriental rites should be able to approach the tribunal of the Latin rite which is competent in the area, as often as their tribunal is not sufficiently staffed for defining cases with due speed.

VII. Competence must be given to the diocesan tribunals for solving the cases mentioned in canons 1990-1992 if they are able to define the said cases more quickly than the regional tribunals, without prejudice, however, to the competence of the regional tribunals to handle the same cases.

The Supreme Tribunal of the Apostolic Signatura, after having maturely weighed the petition, prepared a "response" which it submitted to His Holiness for approval.

RESPONSE

to the petition of the Canadian Catholic Conference Regarding Regional Tribunals

1. Acknowledged is the faculty of the Canadian Catholic Conference to erect new regional tribunals and to change their boundaries as often as it seems appropriate, but the norms soon to be published[2] by the Apostolic Signatura on this matter are to be observed.

2. Under the same clauses an interregional tribunal can be established, having a double section according to the diversity of languages, for taking cognizance of cases in the second instance of jurisdiction against sentences of the regional tribunals.[3]

3. Without prejudice to the right of the dioceses of the Oriental rites to establish and to regulate their own tribunals, as often as recourse to them cannot be made because of dearth of qualified

"Although the document of these norms is dated 28 Dec., 1970, they were not published in *AAS* until 30 June, 1971; reported above under this same canon.

^*Official note* As regards the third instance, there is no provision since this matter is still under study.

personnel, the faithful of the Oriental rites can, with the consent of their Ordinary, approach the tribunal of the Latin rite which exists m the same territorial circuit, as well as the interregional tribunal in the second instance of jurisdiction. However, in the handling of cases of this kind, the tribunals of the Latin rite are obliged to apply the Oriental law.

4. Without prejudice to the right of the regional tribunals to take cognizance of the cases mentioned in canons 1990-1992, the same cases can be defined in the diocesan tribunal as often as it can render service rightly.

Summary Responses to the Petitions

To 1. *In the affirmative.*

To I1-III. *bi the affirmative,* with observance of the norms soon to be published by the Apostolic Signatura.

To IV. *In the affirmative.*

To V. *bi the affirmative* as regards the interregional tribunal of second instance; *deferred* as regards third instance.

To VI. *bi the affirmative* but as emended by n. 3 above.

To VII. *bi the affirmative.*

His Holiness, Pope Paul VI, in the audience granted to the undersigned on 26 February, 1971, deigned to approve the response of the Apostolic Signatura.

From the seat of the Supreme Tribunal of the Apostolic Signatura, the 4th day of March, 1971.

(Private); Sig. Apost., rescript, 4 March, 1971, Prot. N. 1292/71/VT; translated from the Latin text distributed by the Canadian Canon Law Society.

CANON 1571

Appeal in Identical Tribunal: Faculty for, denied. *See c.* 1599; Sig. Apost., 22 Jan., 1970.

CANON 1573

Lay Persons on Ecclesiastical Tribunal (Sig. Apost., 11 July, 1968) Private.

Case. I'he Ordinary of the Diocese of F., because of the ever-increasing number of cases or because of the dearth of priests

experts, petitioned the Apostolic Signatura "that he be allowed to appoint a lay man, qualified and suitable, as presiding judge, defender of the bond, promoter of justice, consultant assessor in cases where the sole judge wishes to call in two consultant assessors."

Reply. In the assembly of 11 June, 1968, it was decreed: The faculty must be sought from the Supreme Pontiff. After the report was made to His Holiness, Pope Paul VI, in the audience granted to the Cardinal Prefect on 11 July, 1968, His Holiness graciously approved and confirmed the resolution.

(Private); Sig. Apost., resolution, 11 July, 1968; reported in *Apollinaris,* 43 (1970), 454-456; *Periodica,* 60 (1971), 273-275.

Note: See *Cation Law Digest,* 1, pp. 97-98.

CANON 1574

Lay Person: Judge in ecclesiastical trial. *See* c. 1573; Sig. Apost., 11 July, 1968.

CANON 1575

Lay Person: Consultant assessor in ecclesiastical trial. *See* c. 1573; Sig. Apost., 11 July, 1968.

CANON 1576

One Judge for Matrimonial Cases (Apost. Nuncio, Haiti, 18 Jan., 1969) Private.

In his capacity of president of the Episcopal Conference of the Antilles, His Grace, Archbishop McEleney, has asked that the induit of permitting the formation with only one judge instead of three, of a tribunal for hearing matrimonial cases (Prot. 2671/60-Junc 4th, 1960), granted "ad decennium" by Propaganda to the dioceses belonging at that moment to the Episcopal Conference of the British Antilles, be extended to all ecclesiastical circumscriptions forming the present Episcopal Conference of the Antilles.

Regarding the request, the Sacred Congregation de Propaganda Fide concedes this extraordinary faculty, but only to these dioceses where effectively exists a lack of competent priests impeding the

formation of a collegial tribunal as required by canon law; this, however, according to the Sacred Congregation, seems to be probably the case for few dioceses, such as Hamilton in Bermuda, Montego Bay in Jamaica, or other small and new dioceses, but cannot be easily applied to circumscriptions provided with more competent priests as seems to be the case for Willemstad, Port-of-Spain and Kingston.

The said induit should normally close in 1970 but it can be prolongated till 1975 for those dioceses which intend to make use of it after taking into consideration the remarks just made and this, always "onerata conscientia Ordinarii." Moreover, the Sacred Congregation should be notified through the apostolic delegation of such a decision.

(Private); Apost. Nuncio, Haity, Reply, 18 June, 1969, Prot. N. 1898; coy of document as above reported kindly sent us by Rev. M. B. Walsh, S.J., chancellor of the Kingston Archdiocese.

CANON 1587

Sanation of Acts When Defender of Bond Absent (S. C. Gent. Evang., 26 Nov., 1968) Private.

Petition. The Ordinary of the Archdiocese of Kingston in Jamaica, prostrate at the feet of Your Holiness, humbly sets forth the following:

In a formal trial for nullity before the tribunal of the archdiocese (contra bonum sacramenti), the tribunal of the Diocese of X was requested to set up a rogatorial commission for the judicial examination of two witnesses, N. N. The questionnaire was drawn up by the Defensor Vinculi of Kingston, but through an error the Defensor Vinculi of X Diocese was neither cited nor present at the judicial examination, so that, according to canon 1587, §1, the acts are null. These witnesses are essential to the case. Also, since they are not Catholics, they cannot practically be recalled to repeat their testimony.

Therefore, the Ordinary of Kingston asks the sanation of these invalid judicial acts, so that the testimony as already taken can be accepted.

Reply. The Sacred Congregation for the Evangelization of Nations, that is, for the Propagation of the Faith, in virtue of

faculties given it by His Holiness, Pope Paul VI, after having attended to the recitals, graciously grants the favor as requested.

Given at Rome, from the offices of the said Sacred Congregation for the Propagation of the Faith, the 26th day of November, 1968.

(Private); S. C. Gent. Evang., Reply, 26 Nov., 1968; copy of original kindly sent us by Rev. M. B. Walsh, S. J., chancellor of the Kingston Archdiocese.

CANON 1589

Lay Person: As promoter of justice or defender of the bond. *See c.* 1573; Sig. Apost., 11 July, 1968.

CANON 1594

Antilles: Courts of Appeal (Apost. Nuncio, Haiti, 18 Jan., 1969) Private.

The choice of Montego Bay as court of appeal for Kingston is approved by the Sacred Congregation, thus rendering void the induit, Prot. 3/68 of December 30th, 1967, which conceded to Montego Bay the faculty of presenting its cases to Kingston in the first instance and to Belize in the second.

From now on, Montego Bay, according to canon law, would have to appeal to the metropolitan tribunal of Kingston.

As to the other suffragan dioceses of the Episcopal Conference of the Antilles there remains the obligation to appeal to their own metropolitan tribunal, i.e., Kingston or Port-of-Spain, according to C. I. C. 1594, par. 1.

I would ask you to notify the members of the Episcopal Conference of the Antilles of this important communication just issued from the Sacred Congregation de Propaganda Fide.

(Private)-, Apost. Nuncio, Haiti, Letter, 18 Jan., 1969, Prot. N. 1898, copy as above reported kindly sent us by Rev. M. B. Walsh, S.J., chancellor of the Kingston Archdiocese.

Appellate Tribunal: Louisville now goes to Indianapolis, S. C. Episc., 8 Oct., 1968, Prot, n. 880/68 (AAS 60-764). See *Canon Law Digest,* 4, p. 398.

CANON 1598

Rota, Sacred Roman: Paul VI, allocutions to the auditors, officials and advocates of: 1968: 12 Feb., (AAS 60-202); English version in *T.P.S.,* a 3 (1968), 166-170. Annotations in *Periodica,* 58 (1969), 117-142 (Lefebvre).

1970: 29 Jan., on "Freedom and Authority" (AAS 62-111); English version in *T.P.S.,* 15 (1970), 51-58.

1971: 28 Jan., discussing 1) authority at the service of the community; 2) judicial power of bishops; 3) use of power by St. Paul; 4) manner of exercising judicial power (AAS 63-1 35); English version in *T.P.S.,* 16 (1971), 71-78.

1972: 28 Jan., stressing pastoral aspect of Church's judicial process (AAS 64-202).

CANON 1599

Faculty for Third Instance (Sig. Apost., 22 Jan., 1970) Private.

Following is a letter of the Archbishop of Dubuque (U.S.A.), dated 10 December, 1969, to the Apostolic Signatura.

With this letter I wish to petition the Supreme Tribunal of the Apostolic Signatura for the faculty to submit a marriage case to a second turnus of judges before our Metropolitan Tribunal. The circumstances which prompt me to seek this faculty are the following:

1. On 12 December, 1961, John D. S. approached the Tribunal of the Archdiocese of Omaha with a petition for a declaration of nullity for his marriage to Arlene K. The libellus was rejected by the same Tribunal on 13 April, 1962, but was appealed to the Tribunal of the Archdiocese of Dubuque on 20 April, 1962. The Dubuque Tribunal by decree of 3 July, 1962 remanded the libellus to formal trial before the Tribunal of the Archdiocese of Omaha.

2.On 2 August, 1962, the Tribunal of the Archdiocese of Omaha was formed and the case was instructed on the *caput intentionis contra bonum prolis ex parte mulieris.* On 10 December, 1968, the same Tribunal rendered a negative decision *seu non constat de nullitate matrimonii in casu.*

3. This negative decision was appealed to the Tribunal of the Archdiocese of Dubuque by John D. S. on 6 January, 1969. A tribunal of second instance was formed and on 26 November, 1969, an affirmative decision was given *seu constat de nullitate matrimonii in casu.* In conformity with canon 1986-87, the defender of the bond of second instance made appeal of this affirmative decision.

I am now seeking the faculty to submit this case to a second turnus of judges of our Metropolitan Tribunal rather than to the Sacred Roman Rota because:

1. The petitioner, John S.. a Catholic, has shown himself patient and sincere in his desire to remarry. He has now waited eight years. It would take a great deal of time to receive a decision from the Sacred Roman Rota while a second turnus within our Tribunal could render a second decision within a relatively short time.

2. While I appreciate the necessary expenses involved in an appeal to the Sacred Roman Rota, a second turnus of judges from our Tribunal would be vastly less expensive. The financial resources of John S. are not so great that he could finance an appeal to the Rota and if such an appeal were made, it would be made with the request for a reduction in the cost of appeal.

3. There is no hope of reconciliation between the petitioner, John S., and the defendant, Arlene K. Both of them desire to remarry within the Catholic Church and raise a Catholic family. John S. is now forty-seven years of age and Arlene K. is forty-two. If a second affirmative decision in the case is given without further delays, both of the parties would have some years remaining in which to raise the families they both desire.

4. While it appears to the court of second instance that the defendant was the cause of the nullity of the marriage, there is ample evidence that she now realizes the gravity of her error and desires to remarry and raise a family. The court of second instance found that her motivation in excluding children from her first marriage was based on her fear that her children would inherit the spastic condition of her brother and also the criminal characteristics of her husband's family. Such fears have now dissappeared and she states that she would enter a second marriage with the desire and intention of rearing a child.

5. After consultation, the defender of the bond of our Metropolitan Tribunal states that he has no objection to this extraordinary procedure.

I am convinced that the granting of this faculty will redound to the welfare and good of the petitioner and the defendant and consider it a part of my pastoral office to seek this permission so that they may both more quickly establish and continue their lives in holy Christian marriage. '*

Reply. In his letter of 10 December, 1969. His Excellency, the Ordinary of Dubuque, petitions that the above-mentioned case may

be tried in third instance by another turnus of judges of the same Tribunal of Dubuque rather than by the S. R. Rota.

In the assembly held in the presence of His Eminence, the Cardinal Prefect, on 14 January, 1970, the above-reported petition was set forth and, after having weighed all the circumstances of the case, decreed: "His Holiness is to be consulted for commitment of the case to the Tribunal of St. Paul in Minnesota."

His Holiness, Pope Paul VI, in the audience granted to the Cardinal Secretary of State on 19 January, 1970, granted the favor in accord with the vote of the assembly.

Given at Rome, from the scat of the S. Tribunal of the Apostolic Signatura, the 22nd day of January, 1970.

(Private); Sig. Apost., rescript, 22 Jan., 1970, Prot. N. 1124/69 C.P.; copies of all above documents kindly sent us by the Rev. Robert L. Spaight, Officialis of Dubuque.

CANON 1646

Non-Catholics as Parties to Court Suits (Sec. St., 12 Aug., 1968; Canadian Apost. Nuncio, 20 Jan., 1970) Private.

I

The following reply was sent to the apostolic delegation at Copenhagen for the Scandinavian countries:

I refer to your communication n. 1884 of 30 July past, in which you wish to know if, with the promulgation of the apostolic constitution, *Regimini Ecclesiae,*[1] paragraph 3 of article 35 of the instruction, *Provida Mater,* which required a prior dispensation for a non-Catholic to be able to be the plaintiff in a matrimonial suit, is still in force.

In that regard, I wish to inform you that, in virtue of the above-mentioned constitution, the dispensation required by the instruction, *Provida Mater,* is no longer necessary. As a result, a non-Catholic can also institute proceedings for nullity of marriage before an ecclesiastical diocesan tribunal.

(Private); See. St., Reply, 12 Aug., 1968, Prot. N. 121.872.

[1] Reported in *Canon Law Digest,* 6, pp. 324-357.
[2] Reported in *Canon Law Digest,* 2, pp. 471-530.

II

The Archbishop of Ottawa, Canada, proposed the following questions to the Supreme Tribunal of the Apostolic Signatura on 24 December, 1969:

According to the instruction, *Provida Mater,* issued on 15 August, 1936, by the S. C. of the Sacraments, with reference to processing of cases of nullity of marriage, art. 35, §3 states that "non-Catholics, whether baptized or unbaptized, cannot be plaintiffs in matrimonial cases . . . and recourse must be had in each case to the Holy Office." Since power to dispense in this area is not found in the description of the competence of the S. C. for the Doctrine of the Faith *(niotu proprio, Integrae Servandae,* 7 Dec., 1965 - *AAS* 1965, pp. 952-955; const, apost., *Regimini Ecclesiae universae,* 15 Aug., 1968 – *AAS* 1968, pp. 885 ff., especially pp. 897-899)[3] which Sacred Congregation has several times replied that the Ordinary possesses this power, it is asked:

1. Does the incapacity of non-Catholics still obtain today, and inasmuch as it does,

2. Is this incapacity restricted to unbaptized non-Catholics, and, inasmuch as it is not,

3. Does it affect all baptized non-Catholics or (in accord with n. 3 of the *Decree on Ecumenism* of Vatican Council II and especially with n. 19 of the *Directory* for implementing the decree promulgated by the Second Vatican Council)[4] those who "though baptized in the Catholic Church [or converted to it], have knowingly and publicly abjured her faith"? It is asked, moreover:

4. Can the Ordinary dispense from this incapacity, and, inasmuch as he can,

5. Does the term, "Ordinary," in places where regional tribunals have been erected, mean the local Ordinary or the moderator of the tribunal? If the answer to 4 is negative,

6. Do sentences in cases introduced by non-Catholic plaintiffs with a dispensation from the Ordinary in reliance on a rescript from the S. C. for the Doctrine of the Faith, labor from nullity when the defendant is also a non-Catholic, and, inasmuch as they do,

7. Can this nullity be sanated or not?

3Both documents reported in *Canon Law Digest,* 6, pp. 358-359 and 324-357 respectively.

4 Both documents reported in *Canon Law Digest,* 6, pp. 687-706 and 716-7 34 respectively.

M|

Reply. The reply came from the Apostolic Signatura through the following letter from the Apostolic Nunciature of Canada.

The Supreme Tribunal of the Apostolic Signatura has received your request of 24 December last in which you ask it to resolve certain questions.

His Eminence, Cardinal Dino Staffa, and His Excellency, Monsignor Giovanni Pinna, respectively the prefect and secretary of the said Supreme Tribunal, have now charged me with furnishing you with the following specifications:

Non-Catholics, whether they are baptized or unbaptized, after the promulgation of the apostolic constitution, *Regimini Ecclesiae Universae,* no longer need to request capacity to have access to ecclesiastical tribunals (see the accompanying letter of the Secretary' of State to the Apostolic Delegate for the Scandinavian countries n. 121.872, dated 12 August, 1968).5

Finally, relative to number 6 of your letter, the Supreme Tribunal responds: "sentences in cases introduced by non-Catholic plaintiffs with a dispensation from the Ordinary in reliance on a rescript from the S. C. for the Doctrine of the Faith do not labor from nullity when the defendant is also a non-Catholic."

(Private); Canadian Apost. Nunciature, Letter, 20 Jan., 1970, Prot. N. 12109/70. Copies of the original of all the above documents kindly sent us by the Canadian Canon Law Society.

Competence of Ordinary to Grant Standing in Court (Sig. Apost, 23 June, 1970) Private.

I'he bishop of Augsburg on 14 April, 1970, sent the following request to the S. C. for the Doctrine of the Faith but the reply came from the Apostolic Signatura.

By various rescripts, c.g., on 2 December, 1966, Prot. N. 3892/66 m, to the bishop of Galveston, the Sacred Congregation for the Doctrine of the Faith has decreed that, in cases of article 35, par. 1, n. 1 and par. 3 of the instruction, *Provida Mater,*1 the Ordinary who is competent to instruct the process in the first instance, can grant the faculty to the petitioning party to stand in court even if he is non-Catholic and the cause of the nullity.

5Reported above under this same canon.

1 Reported in *Cation Law Digest,* 2, p. 480.

It is asked: 1° Whether under the words, *Ordinary who is competent to instruct the process in the first instance,* comes only the Ordinary of first instance, or whether also the Ordinary of second or third instance, if the faculty to stand in court has not been granted or has been denied the petitioner by the Ordinary of the previous instance?

2° Whether the faculty granted to stand in court is also valid on the level of appeal or must the faculty be again granted by the Ordinary of higher instance?

The Apostolic Signatura replied as follows.·

In the assembly held on the 20th of this month, the reply to the aforesaid questions is:

To I. To the Ordinary of first instance belongs competence to decide the qualification of the plaintiff to accuse the marriage; against his decision, recourse to the Apostolic Signatura is open.

To II. *In the affirmative* to the first part; *in the negative* to the second; in other words, the faculty granted to stand in court in the first instance is valid al.o on the level of appeal without need of a further grant on the part of the Ordinary of higher instance.

(Private); Sig. Apost., rescript, 23 June, 1970, Prot. N. 497/70 V. T.; reported in *Archiv K. K.,* 139 (1970), 175.

CANON 1655

Appointment of Advocate or Procurator by Insane Person (Sig. Apost., 24 April, 1968) Private.

Case. A person whose marriage was attacked on the grounds of insanity appointed an advocate and procurator although a curator for the insane person had not been previously designated. On appeal, the court of second instance questioned the validity of the process and the sentence of the court of first instance because of the manner of appointment of the advocate and procurator.

Reply. I'hc letter of Your Excellency of 3 October, 1967, regarding the above case was relayed to this Sacred Tribunal because of its competency. You propose three questions for solution, namely:

1. Is the total process of the court of first instance, including the sentence which declared the marriage null on the grounds of insanity on the part of the plaintiff, but not on the grounds of fear, null?

2. Inasmuch as the answer is affirmative, can the procedural acts and sentence of the court of first instance be sanated?

3. Can the court of appeals proceed further in the case?

In the meeting held before the Cardinal Pro-Prefect on the 23rd day of this month, the three questions are answered:

To 1. The process and sentence of the court of first instance do not labor from any nullity.

To 2. The procedural acts and sentence do not need sanation.

To 3. The court of appeals can safely proceed further in the case.

(Private); Sig. Apost., Reply, 24 April, 1968, Prot. N. 377/68E; summary of case and copy of reply supplied by the Canadian Canon Law Society.

CANON 1715

Right to See Bill of Complaint (Sig. Apost., 6 April, 1971) Private.

Facts. With a year not yet elapsed since the celebration of her marriage, Martha sought a declaration of nullity of her marriage "on the grounds of force and fear inflicted on the plaintiff as well as on the grounds of exclusion of children and of the sacrament on the part of the plaintiff."

After the bill of complaint had been admitted and the panel of judges had been constituted, Maurice, her husband and the defendant, received the summons for defining the issue under the formula: "Is there proof of nullity in the instance? " However, the counsel for the defendant immediately asked that "antecedent to the joinder of issue, he be authorized to examine the acts of the case and, principally, the bill of complaint by the plaintiff," since he himself did not know the petition and the reason for the petition.

The tribunal denied the defendant has the right to see the bill of complaint before the joinder of issue and, consequently, repeated the summons. But the counsel for the defendant accused the notice of summons of nullity because it did not indicate, as prescribed by canon 1715, §1, for what reason he was summoned.

Then the presiding judge suspended the definition of issue and turned over all the acts to the panel of judges so that it might settle the prejudicial question. After the acts had been attentively inspected, the panel passed a decree on 8 September, 1969, which denied to the defendant the right to see the bill of complaint before

the joinder of issue and so declared valid the summons for the definition of issue.

The defendant did not acquiesce but appealed to the appellate tribunal of the Vicariate of Rome. On the 19th of January, 1970, the issue was defined *ex officio* under the following formula: "Should the decree of the tribunal of first instance of the Vicariate of Rome on 8 September, 1969 be confirmed or overruled?"

After the supplement to the initiatory phase had been gone through, the panel of judges on 4 May, 1970 declared the appeal against the decree was interlocutory and had no definitive force either substantially or procedurally and, as a result, the interposed appeal against the decree, according to the norm of canon 1880, 6° *of C. I. C.* cannot be admitted, without prejudice, however, to the right of combining an appeal against an interlocutory decree with an appeal against a definitive sentence.

For the third time, therefore, the defendant was issued a summons in which the petition and the reason for the petition were quite clearly expressed. His counsel did, indeed, obey it but objected to the joinder of issue and refused to sign it since he had not yet seen the plaintiff's bill of complaint. Although the defendant was cited, under threat of declaration of contumacy, to undergo questioning, he refused to appear before the presiding judge "until his rights were restored and he was informed of the suit filed against him."

Meanwhile, on the 17th of July, 1970, the counsel for the defendant interposed recourse to the Supreme Tribunal of the Apostolic Signatura in accord with article 93 of the *Special Norms,*[1] asserting that "from the denial of cognizance of the bill of complaint made to the defendant, a contradictory action was utterly destroyed as well as the rights of defense which, by dictate of the natural law itself, pertain to the substance of the process."

The question, therefore, is: "Zw *matrimonial suits, does the defendant have the right, personally or through his procurator, to see the plaintiff's bill of complaint before or, at least, at the session for the joinder of issue?* "

Law and Evidence. The bill of complaint, whereby a matrimonial suit is introduced, must set forth, among other things, these three: 1) the *petition,* that is, that the judge declare nullity of the marriage; 2) the *reason for the petition,* that is, the grounds of nullity, which

[1] Reported above in this volume under canon 259.

can be a diriment which was not dispensed from, defect of consent, or defect of form; 3) *proofs,* set forth in at least a general way, whereby the grounds of nullity are supported; nay more, "if proof is offered in the form of instruments or documents, these must, as far as possible, accompany the bill of complaint; if in the form of witnesses, their names and addresses must be indicated; and if in the form of presumptions, the facts or circumstances from which they are derived must be indicated at least in a general way" (cf. canons 1706 and 1708, 1°-2°; instruction, *Provida Mater,*[2] arts. 55, §2; 57, 2°-3°and59).

Furthermore, the first two elements, that is, the petition and the reason for the petition, are essentials and notice of them must be given to the defendant at the same time the summons is issued so that right from the start of the trial equality between the parties may be preserved and so that the defendant may be able to institute a contradictory action; the third element, however, that is, the proofs set forth in a general way, is demanded only in order that the panel of judges may be able to pass judgment relative to the admission or the rejection of the bill of complaint inasmuch as the bill of complaint appears supported by good law or manifestly destitute of any kind of basis (cf. instr. *Provida Mater,* art. 57, 3°).

Wherefore, the reasons adduced in the bill of complaint, "so that it may appear that the petition has not been presented without cause," as well as the instruments or documents, the facts or circumstances produced by the plaintiff together with the bill of complaint, in order that they may be conserved, must not be communicated to the defendant either together with the summons or at the time of joinder of issue. In contentious cases, "the summons is inscribed into or adjoined to the bill of contest" (can, 1712, §1). On the other hand, in matrimonial cases the summons is served in writing which must state the petition and the reason for the petition, that is, "for what cause, indicated at least in general terms" (instr. *Provida Mater,* art. 76, § 1). Hence, excluded are not only notification of the bill of complaint but also the particular adjuncts of the bill of complaint itself, namely, the instruments or documents, the facts or circumstances given or indicated by the plaintiff together with the bill of complaint. Neither may the judge allow, much less order, that the bill of complaint presented by the plaintiff be read at the time of joinder of issue, not even by authorization granted by the counsel

2 Reported in *Canon Law Digest,* 2, pp. 471-530.

for the plaintiff, because this reading could turn out to be a pernicious suggestion.

Incorrectly does the counsel for the defense assert that, if there is no notification of the bill of complaint and the other acts in the form of the summons or, at least, at the time of joinder of issue, a contradictory action is utterly destroyed as well as the right of defense which, by dictate of the natural law itself, pertains to the substance of the process. For, as has been said above, the reasons set forth in a general way in the bill of complaint are required in order that the panel of judges may be able to admit or to reject the bill of complaint; the other proofs, however, in the form of instruments or documents, or in the form of presumptions arc demanded so that they may be placed in safekeeping.

For the rest, in order that the defendant may be able to make use of a contradictory action, that is, to oppose the petition of the plaintiff and the process, it is sufficient that he have cognizance of the petition and the reason for the petition, that is, the ground or grounds of nullity of marriage which are indicated by the plaintiff. The right of defense, however, which, beyond doubt, supposes knowledge of all the proofs presented by the plaintiff, may not be exercised at the time of joinder of issue because the bill of complaint docs not offer proof but must be proved; proof, on the other hand, finds place in the probatory stage which begins after the joinder of issue. Consequently, the instruction, *Provida Mater,* observes (art. 57, 3°) that in the bill of complaint "it is not necessary nor advisable to present an exact and extended exposition of the evidence, for this belongs rather to the stages of proof and defense." The stage of proof, in which the bill of complaint is also read through for the defendant, extends down to the conclusion in the case; for by the decree whereby the process is made public, the presiding judge of the panel grants to the parties and their advocates the right to inspect all the proofs and acts which may perchance have remained secret up to this point and fixes an available time within which they may submit documents and propose arguments by which the proofs and contentions adduced by them may be supported, explained and supplemented (inst. *Provida Mater,* arts. 113, §1 and 175). The stage of defense, however, begins after the conclusion in the case when the presiding judge of the panel prescribes a time for the parties and their counsels to present their defenses which they were not able to present earlier *(ibid.,* art. 179).

Decision. In the session on 6 April, 1971, to the proposed question: "Does the defendant, through a procurator already legitimately constituted in court, have the right to see the plaintiff's bill of complaint before the joinder of issue? " the Supreme Tribunal of the Apostolic Signatura believes it must be answered: "Zw *the negative,* that is, *the defendant does not have the right to see the plaintiff's bill of complaint either when he receives the summons or at tbe very time ofjoinder of issue. "*

(Private); Sig. Apost., decision, 6 April, 1971; reported in *Ephem. I. C.,* 28 (1972), 255-258.

CANON 1729

New Grounds: Admission of, in course of trial. *See* c.1964; S. C. Pub. Eccl. Neg., 28 Nov., 1972.

CANON 1747

Proofs: Procedure of Dutch tribunals adversely criticized. *See c.* 1013; Sig. Apost., 30 Dec., 1971.

CANON 1902

Concordance of Sentences (Rota, 1 July, 1968) Private.

rhe following incidental decision was made *coram C. Lefebvre.*

(1) In the bill of compraint presented to the ecclesiastical Tribunal of Indianapolis, R. J. V. accused the marriage celebrated with S. A. C. on 16 August, 1958 "inasmuch as she did no more than pretend consent and she never had the intention of contracting an indissoluble union," while, nevertheless, it was set down in the document of definition of issue that "he contended that the marriage he entered was null because of exclusion of the good of the sacrament, not because of total simulation."

But the sentence of 14 December, 1961 declared that proof was had of the nullity of rhe marriage in the instance because Sara C., when the marriage was entered, "either had in mind no marriage whatever, or, at most, had in mind that she was entering a union dissoluble at will."

(2) After a reversal of sentenees by the ecclesiastical Tribunal of Cincinnati on 30 July, 1962, recourse was interposed to our court which, on 19 July, 1967, declared that "proof was had of the nullity of the marriage in the instance but not because of total simulation, nor because of exclusion of the good of the sacrament by a positive act of the will, nor because of grave fear inflicted from outside, but because *of the incapacity of the woman* defendant to elicit valid consent, that is, conscious and free consent, when she entered the marriage."

(3) The substitute defender of the bond interposed an appeal in virtue of canon 1986, that is, *ex officio.* He contends that the above-reported sentences of the first instance and of the rotal decision on the third level are scarcely conformed because:

"simulation *supposes capacity* of the subject to elicit a positive act of the will in accordance with the explicit norm of can. 1086, §2; this is the same as *to exclude the incapacity of the subject to elicit consent"* as stated in the rotal sentence.

As a result, he continues, there is present not only a juridical contradiction but also an ontological contradiction because

"in the very judicial relevant fact the two sentences are at variance and, as a result, cannot in any way be held as conformed."

(4) Then the referee of the next turnus, to which appeal was made on 12 January, 1968, decided that an incidental question should, in the instance, be raised regarding the conformity of the sentences so that a decree could be issued: "Must the rotal sentence of 19 July, 1967 be turned over for execution? "

In Law and In Fact

(5) The difficulty set forth above does not touch two headings which are independent of one another and, consequently, the defender of the bond granted that, in the instance, application was not to be made of the principles reported in various decrees *coram De Jorio,* 13 May, 1964, or 5 December, 1964, or even *corain Rogers,* 19 December, 1967, on the case *Linciensis,*

In the instance, it is contended "that the very facts on which the sentences are based are against any kind of possible conformity" since one supposes capacity, while the other affirms incapacity of the same subject.

(6) And yet, to resolve the difficulty, it suffices to compare the sentences.

The *Indianapolis* sentence of 14 December, 1961, responding to the question according to which "either Sara intended no marriage whatever, or she excluded a permanent marriage" decided:

"either tbe defendant bad in mind no marriage whatever, or, at most, had in mind that she was entering a union dissoluble at will";

Already the rotal decision of 19 July, 1967, *coram De Jorio* established:

"proof is had of the nullity of the marriage in the instance *because ofdefect ofconsent in tbe defendant."*

From this it is evident that the aforesaid sentences are independent and,as a result,

(7) After having attended to the identity of fact on which each sentence is based, the undersigned auditors of the turnus, having legitimately assembled in the court of the S. R. Rota to resolve the incidental question, *decided* that, in the instance, conformity of the sentences between the *Indianapolis* sentence of 14 December, 1961, and the rotal sentence of 19 July, 1967 *coram De Jorio* must be admitted and, consequently, having attended to the renunciation on the part of the defender of the bond, have stipulated that there is no obstacle but that the aforesaid rotal sentence be turned over for execution.

(Private); Rota, decision, 1 July, 1968, reported in *Epbem. tuns Can., 26* (1970), 229-231.

CANON 1909

Court Expenses (Sig. Apost., 14 Oct., 1972; 23 Oct., 1972) Private.

Ihe following was addressed to the President of the National Conference of Catholic Bishops (U.S.A.).

The Supreme Tribunal thinks it opportune to send you, for the information of your episcopal conference, the accompanying photostatic copy of the circular letter of this Supreme Tribunal which is directed to the archbishop-moderators of the regional ecclesiastical tribunals of Italy. It concerns the new discipline relative to expenses and honoraria of attorneys in cases before ecclesiastical tribunals.

(Private); Sig. Apost., notice, 23 Oct., 1972, Prot. N. 2101/71 Var.

CIRCULAR LETTER

to the Most Reverend Archbishop-Moderators of the Regional Tribunals and-for the sake of information-to the Most Reverend Archbishops and Bishops of the Dioceses in Italy

The Apostolic See has always been solicitous lest on the occasion of a suit, especially for nullity of marriage, the parties be weighed down with excessive costs either because of tribunal expenses or because of the honoraria to be paid to attorneys.

It is well known how often, because of abuses which are presumed or actually occur in this regard, reports are spread about far and wide which are truly offensive to the Church.

Wherefore, the August Pontiff gave a mandate to a special commission, in which some advocates of the Sacred Roman Rota, who discharge the functions of their corps, were also included, to propose a clear and manifest economic regimen for these suits.

Taking the conclusions of this commission, the Supreme Tribunal of the Apostolic Signatura, which has the duty of supervision of the administration of justice, in virtue of the special assignment committed to it, issues the following norms and fees in the hope that in this way the faithful who approach the Church's courts may clearly know what are the costs that must be borne and that, as a result, everything in this very serious matter may go forward securely and become manifest in the eyes of all.

I. NORMS

1. Without prejudice to the right of the client to select his attorney from among the advocates admitted to the bar and without prejudice also to the right of the advocate to accept or refuse a commission from a client, that honorarium will have to be paid to the attorney which is listed in the schedule given below and which compensates for all the labor spent on the case.

2. It is not permissible for the attorney to receive the honorarium and compensation directly from the client.

3. The honorarium and expenses are paid by the court and they are taken from the sum of money which, by order of the judge, the plaintiff deposits in the treasury of the court at the start of the trial and afterwards completes according to need in the course of the process.

4. When any stage of the trial has been completed, the court renders an account of the receipts and expenses and, after deducting the honoraria of the attorney as well as the judicial expenses, returns the remainder of the money to the party.

5. The defendant who wishes to take an active part in the suit by choosing his own attorney, will be able to obtain a reduction of judicial expenses up to one third, if he does not ask for the acts of the process; otherwise, the reduction will not go beyond one half. Nonetheless, the right of the court remains intact to assess the defendant for expenses according to the norm of law.

6. In suits which do not look to a declaration of nullity of marriage, the honorarium of the attorney and the judicial expensescan be increased up to one third.

7. If in the main cause incidental causes intrude, the judicial expenses and the honorarium for the attorney should be increased in accord with the number and difficulty of the said causes.

8. At the start of the suit the attorney should be given in advance an appropriate amount of money whereby he himself may be able to sustain the necessary expenses which he must later demonstrate to the court.

9. A party who is absolutely indigent and who is prosecuting a cause which is not futile, should be granted gratuitous legal assistance: this benefit carries with it exemption from judicial expenses, and assignment of attorney *ex officio*. This grant is made by the chief judge *{Officialis)*.

10. If a party is not altogether poor but is unable to bear all the expenses, he may be granted an attorney *ex officio* and also, if the case so warrants, a reduction of expenses.

11. When the court of first instance issues the summary', defense briefs, and sentence, it should take care that enough copies be made as may be necessary also in further instances.

12. In order that the amounts listed below may always correspond to the necessary costs of living, they will automatically receive an increase each year determined by' the cost of living which is gathered from the official indicators issued by' the Italian Central Institute of Statistics. Accepted as the required basis is the value of money as of 1 January, 1972.[1]

[1] The official rate of exchange as of 1 January, 1972 was: 593 lire =1 U. S. dollar.

II. FEES

in Italian lire

A. *Processual Expenses*	minimum	maximum
1. In first instance:	250,000	350,000
2. In second instance when the process evolves through the regular procedure:	180,000	230,000
3. In second instance when the process is concluded by a simple decree of ratification *(M.P. "Causae matrimoniales,"2* art. VIII, par. 3):	100,000	150,000
4. In first or in second instance, in special cases when the process evolves according to *M.P. cit.,* arts. X, XI, XII:	100,000	150,000

5. The above-mentioned fees include all court expenses (sessions, notifications, letters, services of public utilities, and the like); however, they do not include honoraria for experts, expenses for judicial accesses, translations of acts from other languages, drawing up of the summary and, in general, services of an extraordinary rank or which are sought from other courts by means of rogatory letters.

6. The above-recorded fees are established for all the regional tribunals of Italy, not excepting the tribunals of the Vicariate of Rome.

7. The honoraria for experts, indicated below, are likewise established for the same tribunals. Within the minimum and the maximum standards, the chief judge chooses that fee which better corresponds to the academic degrees of the expert, the lesser or greater difficulty of the case, the ordered direct bodily inspection, or the required report on only the acts of the case, and like considerations.

For reports of experts:	minimum	maximum
a) regarding male impotcncy.·	80,000	150.000
b) regarding gynecological matters:	70,000	100,000
c) regarding psychiatric matters:	100,000	150,000
d) regarding x-rays:	70,000	150,000

Reported in this volume under canon 1960.

B. *Honoraria for Advocates*

8. a) In first instance:	150,000	300,000
b) In second instance, when the attorney is the same as in first instance:	80,000	150,000
c) In second instance, when the attorney is different from the advocate in first instance:	100,000	200,000

9. Within the minimum and the maximum amounts, it belongs to the chief judge of the tribunal, after having heard the president of the panel of judges or of the sole judge, to fix a definite and appropriate honorarium to be paid to the attorney.

10. Not computed in the above-listed fees is the honorarium for the initial consultation with the advocate; that honorarium is within the limits of 20,000 and 50,000 Italian lire: however, that amount is due only if that prior inquiry is not followed up by a mandate of attorney conferred on the said advocate in the case.

11. For any kind of transfer of the attorney from his own seat to another scat, if it is necessary for prosecuting the case and takes up an entire day, he is to be paid 20,000 Italian lire in addition to food and travel expenses. However, the client must be forewarned.

12. The transmission of the sentence in order to attain its civil effects is, in most instances, done *ex officio* by the tribunals with the help of the Apostolic Signatura. Nevertheless, if the advocate actually performs some juridical and truly necessary work in such a stage of the case, he can be conceded the right to an amount from 20,000 to 30,000 Italian lire.

III. PROVISIONS FOR EXECUTION

1. The above-listed fees are not proposed by way of example but have the force of an obligatory norm.

2. All advocates should sign at the court to which they have been admitted, a formula in which, under oath, they promise they will observe the above-mentioned norms and fees.

3. An advocate who demands compensation in excess of the established fees should be reported by the client, or by the promoter of justice, or by the judge to the Supreme Tribunal of the Apostolic Signatura where the procedure given in art. 17, §2, n. 6 and arts. 78-82 of the Special Norms[3] of the said Supreme Tribunal will be inaugurated.

[3] Reported in this volume under canon 259.

The sanctions which the Apostolic Signatura will have imposed, after having listened to the opinion of the College of Consistorial Advocates, if the case so warrants, bind all who render legal assistance in cases before any kind of Church court.

4. The above-mentioned norms and fees go into force for those cases whose introductory bill of complaint shall have been presented thenceforward from the first day of November, 1972.

5. The present letter is directed to all the Most Reverend Archbishop-Moderators of the tribunals of Italy to whom is committed the care of executing the new norms. It is also sent to the other Most Reverend Archbishops and Bishops of the Dioceses of Italy in order that their curiae may, at the right time, advise those who wish to propose cases, and report abuses, if by any chance any occur.

6. The economic regimen of cases which are prosecuted before the Sacred Roman Rota and the Supreme Tribunal of the Apostolic Signatura is provided for in another document.

Given at Rome, the 14th day of October, 1972.

(Private); Sig. Apost., norms and fees, 14 Oct., 1972, Prot. N. 2101/71 Van; copy of originals kindly sent us by the Most Reverend Secretary of N.C.C.B.

CANON 1960

Provisional Norms for Marriage Annulment Cases in United States
(S. C. Pub. Eccl., 28 April, 1970) Private.

After having attended to the petition of the episcopal conference of the United States of North America in which it is requested that, out of consideration of the special needs of its territory, the tribunals may use certain norms, attached to the petition, for a more expeditious processing of cases of nullity of marriage, Our Holy Father, Pope Paul VI, has deigned to accede to the aforesaid petition for a three-year period and by way of experiment, and grants all the necessary and appropriate faculties, and derogates from the current law insofar as is necessary. However, care is to be taken that in other matters the prescriptions of canon law should be observed since the aforesaid norms do not cover the total process. The said Supreme Pontiff decreed that the above-mentioned norms begin to obtain from the first day of July, 1970.

The president of the requesting conference will please send each year to the Supreme Tribunal of the Apostolic Signatura a report on

the cases proposed, or abandoned, or appealed in each tribunal.

From the Vatican, the 28th day of April, 1970.

(Private); S. C. Pub. Eccl. rescript, 28 April, 1970, Prot. N. 3320/70, reported in *Periodica,* 59 (1970), 593. Annotations in *Periodica,* 59 (1970), 563-592 (Lefebvre). The Latin text of the proposed and approved norms is given in *Periodica, loc. cit.,* but wc here give the official English text of the norms together with the officially published commentary on each norm. Authorization to publish both the norms and the commentary was granted by the General Secretary of N. C. C. B. for publication in *Canon Law Digest.*

PROCEDURAL NORMS AND COMMENTARY

I. General Notions

1. The following norms for the adjudication of cases of nullity of marriage involving a formal process have been approved by the Holy See for provisional and experimental use for a three-year period by tribunals in the United States. They do not constitute the final formulation of procedural law to be included in the revised Code of Canon Law.

2.The use of these norms in any given tribunal is facultative, not mandatory, at least in the legal sense, since their use is left to the discretion of the local Ordinary. It is strongly urged, however, that these norms be used in every diocese having a functioning tribunal in order to provide a more expeditious procedure for the administration of justice.

3.As noted in the preface to the norms, all the provisions of general procedural law remain in force except in those cases where the norms derogate from them, it is understood that in some instances the norms merely restate the provisions of universal law in order not to break the logical sequence of the presentation.

II. Procedural Norms

NORM 1

The diocesan tribunal will consist of judges, a defender of the bond, a promoter of justice and notaries and all will be appointed to their office by the Ordinary. The judges, defenders of the bond and promoter of justice shall be priests; all, however, shall be endowed with those qualities required by law.

Commentary

It should be noted that this norm, like Art. 17* and Canon 373, permits a layman or laywoman to be a notary. The use of qualified lay persons in this position would make available a greater number of priests for other facets of tribunal work.

NORM 2

The Ordinary will appoint a chief judge who will direct the work of the tribunal and assign judges and defenders of the bond for individual cases.

Commentary

The term "chief judge" is used as the English equivalent of the Latin term *officialis;* consequently, no new canonical position is implied by this norm. As in the present law, the chief judge does not *appoint* judges and defenders. He simply *assigns* to specific cases those already appointed.

NORM 3

A collegiate tribunal must be constituted for each case. The episcopal conference, in accordance with faculties to be sought from the Holy Sec, may permit the competent ecclesiastical tribunal to derogate from this norm for a specified period of time so that a case may be handled by a single judge.

The conditions are that: (1) there be a grave reason for granting the derogation; and (2) no formal opposition be expressed prior to the definitive sentence by either the judge, the defender of the bond, the promoter of justice or either of the parties.

Commentary

While re-emphasizing the ideal of the collegiate tribunal in each case, the Holy Sec has recognized the practical difficulties involved in implementing this ideal in some dioceses due to heavy caseloads, lack of specific training, shortage of tribunal personnel, etc. Consequently, it has granted to the NCCB the faculty to permit a diocesan tribunal to hear cases with a single judge. The conference will exercise this faculty in accord with the following guidelines:

l Here, as elsewhere in the Commentary, the simple notation "Art." refers to the articles of *Provida Mater,* issued Aug. 15, 1936 [reported in *Canon Lau* Digest, 2, pp. 471-5 301.

(a) The request must be made by the Ordinary of the diocese.

(b) It is up to the Ordinary to decide whether, in view of circumstances prevailing in his diocese, there is grave reason to request the permission. While the Ordinary is asked to indicate what rhe reason is, the conference, in exercising its faculty, will rely on the judgment of the Ordinary and not presume to enter into the particulars of the situation.

(c) The faculty will be granted for any period of time requested but may not extend beyond July 1, 1973.

(d) The request for this faculty is to be directed to:

His Eminence John Cardinal Dearden
President, NCCH
1312 Massachusetts Avenue, N. W.
Washington, D. C., 20005.

The following points should be kept in mind by a diocesan tribunal making use of the permission.

(a) The permission extends to all formal cases heard by the tribunal whether in first or second instance, provided that, as the norm states, no formal opposition be expressed prior to the definitive sentence by either the judge, the defender of the bond, the promoter of justice or either of the parties.

(b) The permission applies to all cases in which the petition has been received at the tribunal between the date the permission was granted to the tribunal and its expiration date.

(c) /\ collegiate tribunal may, however, be requested at any point of the process prior to the definitive sentence even in a case which was begun with a single judge.

NORM 4

If both parties arc desirous of a declaration of nullity', one advocate may represent both. Unless a party decides otherwise, the advocate in first instance will also be the advocate in second instance. Advocates representing the parties will be those approved to work with marriage cases by' the Ordinary or his delegate.

Commentary

This norm differs in two respects from the universal law. First of all, Art. 43, par. 3, says: “if both consorts request a declaration of nullity, it suffices if one of them appoints an advocate, unless the other party wishes to appoint his own advocate or the presiding

judge deems this advisable." Norm 4 seems to offer broader counsel for both parties with greater economy. Secondly, the universal law presumes a mandate to be valid for only one instance whereas Norm 4 reverses that presumption. It also reverses the usual requirement that the procurator (an office normally subsumed in the advocate's role) reside in the city where the tribunal is located (Art. 47, par. 3). Approval of the advocate in second instance, however, is still required. The words "approved to work with marriage cases" are interpreted of course as indicating approval for an individual case and not merely whole classes of cases.

NORM 5

The notary for the tribunal will preserve a written record of all procedural and substantive acts, with special regard to names, dates and places as well as the authenticity of documents and depositions. While acts not authenticated by the notary are null, it suffices that copies of these acts be authenticated by a single statement of the notary at the termination of the case.

Commentary

The notary's signature is still required for validity on the *original* testimony and on all the acts. However, unless that nullity is denounced prior to the sentence, it is sanated by the rendering of the sentence (cf. Norm 22).

The requirement of canon 1643, par. 1 that the notary sign and seal each page of *copy* is hereby derogated.

NORM 6

The Ordinary will provide sufficient judges, defenders and advocates so that all petitions for declaration of nullity may be accepted or rejected promptly and decisions given within six months following acceptance of the petition.

Commentary

The number of judges is no longer limited to twelve (canon 1574, par. 1). The time limit for first instance is no longer two years (canon 1620). Neither is it reckoned from the date of the *contestatio litis* (canon 1732). Given the expediting measures provided in the other norms, every effort should be expended to produce a decision within the time stipulated by the norm. In any event, the norm would not be judged more strictly than that now proposed in canon 1620.

NORM 7

The first competent tribunal to which a party presents a petition has an obligation to accept or reject the petition. The competence of a tribunal of first instance shall be determined by the residency of either party to the marriage, the place of the marriage or the decree of the judge to whom the petition is presented that his tribunal is better able to judge the case than any other tribunal. In this last instance, however, the judge may not issue such a decree without first obtaining the consent of his own Ordinary and the consent of the petitioner's Ordinary and chief judge.

Commentary

This norm considerably broadens the basis of competence. The petitioner is now put on an equal footing with the respondent. With regard to both petitioner and respondent, the controlling concept is "residence" rather than the more restricted canonical notion of "domicile."

But the norm docs not by any means make every court competent in every case or makes competence arbitrary or formalistic. The third source of competence still requires a real judgment that a given court is better able to "judge the case" than any other court. This could mean, for example, that one or more of the star witnesses resided in the diocese, that a more adequate tribunal staff was available in that diocese, that the special competence of experts was not so readily available in the petitioner's diocese, etc. Whatever the many possible reasons may be which prompt the consent of those named in the last sentence of the norm, it is clearly not the reputation for liberal opinions by a particular court which is at issue.

NORM 8

Any spouse, without qualification, may seek a declaration of nullity of his marriage. To do so, he will employ the services of an advocate. The petition for the declaration of nullity indicating the basis or bases for annulment and the sources of proof is to be accepted or rejected by the judge within the 30 days following the presentation and after consultation with the advocate and defender. Recourse against the rejection of a petition may be made to the tribunal of second instance. Within 30 days of recourse, rejection is to be sustained or the case is to be remanded for prompt instruction by the tribunal of first instance.

Commentary

This particular norm derogates from the provision in universal law for the estoppel of the spouse who is the direct and malevolent cause of nullity (Art. 35, par. 1, no. 1) and also the spouse who is non-Catholic (Art. 35, par. 3, and Art. 37, par. 1).

In addition, this norm obliges the judge to consult with the advocate and defender before the decree of acceptance or rejection is issued in first instance. Finally, the norm establishes an exact time limit of 30 days, within which a second instance tribunal must rule on an appeal against a *libellus* rejected in first instance, whereas the code (canon 1709, par. 3) mentions only that the question should be settled *expeditissime* without specifying the *fatalia*.

NORM 9

The promoter of justice may petition that a marriage be declared null when he decides this will be for the public good.

Commentary

The only other person besides the spouses who is impowered to impugn the validity of a marriage is the promoter of justice and then only when it fosters the public (not necessarily the common) good. It might happen, for example, that neither spouse is interested, perhaps because neither is Catholic, in impugning the validity of the marriage, but the second spouse of one of them wants the first marriage declared null so that his or her second marriage might be validated. This would involve more than the private good of the parties. It would involve the children from the second marriage, the reputation of the family in the parish community, etc. The promoter could petition for nullity without making any of the further judgments required by Art. 38, par. 2.

NORM 10

If he is available and cooperative, the respondent will be given the opportunity to choose an advocate prior to the determination of the precise basis for nullity. If the respondent is not available and cooperative, the judge will proceed to this determination in accordance with the following rule.

Commentary

This norm wishes to make explicit the fact that the respondent should be apprised of his right to have an advocate.

NORM H

Within a month after the acceptance of the petition, the judge, after consultation with the advocate and defender, will determine the precise basis or bases for nullity of the marriage, the documents to be obtained and the witnesses to be heard. During the course of the trial the judge may add an additional basis or bases for nullity.

Commentary

The universal law does not define the time for the formulation of the doubt and so occasionally results in a *de facto* recess in the process. This norm avoids such delays by establishing a reasonable period of time within which the *contestatio litis* must be held.

NORM 12

At any time in the course of the trial, the petitioner may request that the case be transferred from one competent tribunal to another competent tribunal. This permission will be granted provided that a grave reason warrants it, that the defender of the bond has been heard and that it is agreeable to the other party, the Ordinary *a quo* and the chief judges of both tribunals.

Commentary

A change of venue in mid-trial would be most unusual but could be useful in an exceptional case where, for example, the original tribunal might suddenly become understaffed because of death or transfer.

NORM 13

The testimony of the principals and the witnesses will be taken by the judge as soon as available, either at the tribunal or elsewhere. A person will be asked to take an oath before testifying unless the judge determines otherwise. The advocate (unless the judge determines otherwise) and the defender have the right to be present at the hearing of the principals and witnesses. In the event that the advocate is present, the defender of the bond must always at least be cited. The questions proposed by the judge will be based upon the information and questions supplied by the advocate and the defender. The principals and witnesses may also be questioned directly by the advocate and the defender under the direction of the judge. When a judge is personally unable to take the testimony of a witness, he will appoint a competent delegate to do so.

Commentary

One minor change occasioned by this norm is the power granted to the judge to dispense a given witness from the oath. Another change is the right given to the defender to question the witness directly. The major change refers to the advocate who is now generally to be cited for all hearings and who enjoys almost complete equality with the defender both in drafting the original questions and in interrogating the deponent directly.

While the norm parenthetically allows a judge to determine that an advocate may not use his right to be present in court for a specific hearing, it is most difficult to imagine a compelling reason for insisting on such a limitation. Furthermore, the insistence that the defender must at least be cited when the advocate is present is merely a restatement of that prescription of universal law which requires that a defender be cited for every hearing.

NORM 14

Following consultation with the advocate and defender, the judge will determine the significance of the unwillingness of a principal and/or witnesses to testify and will, if necessary, proceed to the conclusion of the case without their testimony.

Commentary

Although this norm would not disallow the possibility of declaring defendants contumacious (Art. 89) and of penalizing disobedient witnesses (Art. 127, par. 2), its wording at least indicates that such measures might well be passed over as unrealistic in our present circumstances.

NORM 15

The advocate and the defender may examine the acts of the case at any stage of the process unless in particular cases the judge decides otherwise.

Commentary

I'he universal law (Art. 175) does not permit the advocate to have access to the acts until they are published just prior to the conclusion of the case. The norm allows for examination of the acts at any stage of the process.

NORM 16

The judge will carefully weigh the depositions of each witness. Testimonials concerning the credibility of the principals and witnesses will be required if, in the opinion of the judge, they seem necessary or useful.

Commentary

Article 138 requires the court to obtain testimonials regarding the religious character, probity of life and credibility regarding all witnesses. The present norm permits the judge to evaluate the testimony of each witness in the way he deems appropriate; he is no longer bound by law to evaluate credibility in predetermined ways.

NORM 17

in cases involving physical or psychic impotence and lack of consensual capacity, the judge, after consultation with the advocate and the defender, shall designate one or more experts to study the acts of the case and submit a written report thereon. When advisable, this expert will examine the party or parties [o the case and will include in his report the results of his examination. The oral testimony of the expert is to be taken only if his report requires clarification or implementation. Following consultation with the advocate and the defender, the judge may appoint additional experts.

Coniinentary

In view of the fact that an appearance in court by the experts is often an undue imposition and a costly inconvenience to these men, the law (Art. 152) requiring their oral testimony in every case is modified in this norm and restricted to those occasions when clarification or implementation of the written report seems necessary.

NORM 18

When, after consultation with the advocate and the defender, the judge has decided that all necessary and available evidence has been obtained, the principals will be permitted to read the acts unless, in the opinion of the judge, there is danger of violation of the rights of privacy. The judge will consider the requests by the principals for further instruction before bringing the case to a conclusion.

Commentary

This norm differs from the universal law (Art. 175) in two ways. In the universal law, the judge does not confer with the advocate but only with the defender before publishing the acts of the case. Also, in the universal law there is no restriction on the right of the principals to review the testimony upon publication. Such a restriction provided for in the norm should, of course, be used very sparingly by the judge, but its use can, on occasion, serve the cause of truth by freeing a witness from fear of loss of friendship, embarrassment or recrimination. This restriction would be used when it cannot be presumed that the secrecy afforded by Art. 130 is sufficient to guarantee that the tribunal will be able to obtain the delicate information needed for an equitable decision.

NORM 19

The advocate and the defender will submit written briefs independently within one month after all evidence has been presented and will be given the opportunity of a rejoinder to be made within two weeks.

Commentary

The universal law (Art. 179-183) does not define deadlines for briefs and animadversions and, as a consequence, the discussion phase is often protracted for several months. This norm requires that all arguments, even where rejoinders are written, be concluded in six weeks time. Furthermore, this norm derogates from the "ius ut ultimus" enjoyed by the defender in the universal law (Art. 183, par. 1).

NORM 20

Following whatever consultation with the advocate and the defender which is allowed by law and which he deems necessary, the judge will render a decision within one month after the presentation of the briefs and rejoinders.

Commentary

The reference to a consultation "allowed by law" in an oblique reminder that canon 1866, par. 1, prohibits the strictly private imparting of oral information to the judge by the advocate.

The universal law (Art. 185) states a minimal not a maximal time limit for the decision. It says that the decision should not be

rendered sooner than ten days after the last brief. The present norm is a further expediting measure.

The universal law (Art. 200) permits another month to intervene between the decision and the publication of the sentence and this remains in effect.

It might be noted then that, although Norm 6 permits six months between acceptance and decision, the entire process is actually an eight month process since one month is added to the beginning (Norm 8 allows a mouth between the presentation of the petition and its acceptance) and another at the end (Art. 200 permits a month between decision and sentence).

It follows, then, as may be seen in the following diagram, that if all *fatalia* arc fully utilized, two and a half months arc alloted for gathering evidence. Thus:

Petition	1 month	Norm 8
Acceptance	1 month	Norm 11
Formulation	2½ months	Balance
Publication	1 month	Norm 19
Briefs	5 month	Norm 19
Rejoinders	1 month	Norm 20
Decision	1 month	Art. 200
Sentence		
	8 months	

Since the gathering of pertinent evidence is usually the most time-consuming aspect of a case, it is clear that every effort should be made by tribunal personnel not to utilize full the various *fatalia* but, instead, to move as quickly as possible in all other phases of the case so as to allow the greater portion of allotted time to the gathering of evidence.

NORM 21

The judge will render his decision according to moral certitude generated by the prevailing weight of that evidence having a recognized value in law and jurisprudence.

Commentary

Obviously a marriage cannot be declared null on no — or practically no — evidence. An affirmative decision must be warranted by adequate proof. The evidence, of whatever nature, must be adequately probative of nullity before a judge can render an affirmative decision. Furthermore, that adequate, sufficient proof must not be eroded or contradicted by prevailing proof to the contrary. When that is verified, the judge is considered by this norm to be convinced, i.e., morally certain, of nullity. Moral certitude is not something over and above adequate, prevailing proof. It is simply the subjective state which adequate, prevailing proof produces in the mind of the mature judge.

The reference in the norm to "evidence having a recognized value in law and jurisprudence" is noteworthy, especially in the light of a proposed norm originally submitted by the conference but not explicitly included in those which were finally approved by the Holy See. That norm read: "In exceptional cases the concordant statements of the principals, or even in some instances the statement of one principal, given due consideration to the circumstances of the case, may constitute preponderance of evidence." It was pointed out with merit by Vatican experts that what was said in the proposed norm was already a recognized principle of law and jurisprudence, namely, that over and above the obvious value of the testimony of the parties and the direct corroboratory testimony of witnesses, an imponant and often conclusive field of proof was to be found in the use of experts, documents, presumptions and oaths as outlined in Title X of Book IV.

It would not seem out of place here to draw attention to the potential harm caused by the seemingly undue emphasis placed on the necessity of having two witnesses. This practice in our tribunals has stemmed from the unofficial but very real presumption that full proof results only from the clear and decisive corroboratory testimony of two independent witnesses. A wider acquaintance with the jurisprudence on what constitutes proof, especially as exemplified in many Rotal decisions, would help to dispel that notion and, with it, any unnecessary rigidity which adversely affects the right of parties to a sensitive and well-informed decision.

NORM 22

Any instance of nullity as defined in positive law with regard to acts or processes is considered sanated by the sentence itself provided that it was not previously challenged.

A sentence is irremediably null only when: (1) its presuppositions were lacking grounds; (2) the right of defense has been denied; (3) the judge was coerced either by violence or grave fear to render his decision; (4) the sentence fails to address itself to the controversy in question.

The nullity described in the paragraph above may be perpetually proposed either as an action or as an exception.

Commentary

As regards the nullity of "acts and processes" the universal law (c. 1680) says that the "nullity of an act is established only when the essential constitutive elements of the act are lacking or when the solemnities or conditions are wanting which are required by the sacred canons under the pain of nullity." The obvious intent of this canon is to reduce the invalidity of acts to a minimum. In this same spirit, the present norm says that, should a given act (e.g., an act not authenticated by the notary, cf. norm 5) be null because it lacks some requisite of positive law, it is, unless challenged, automatically sanated by the issuing of the sentence.

As regards the nullity of a sentence, universal law recognizes two kinds of invalidity: remediable and irremediable. Remediable nullity of a sentence results from the lack or invalidity of certain acts or processes. In view of the present norm, remediable nullity no longer exists, since once a sentence is issued, the null acts of processes which under existing legislation would have rendered the sentences null are now, by virtue of this norm, automatically validated. Irremediable nullity, in the universal law, results from three sources: the lack of competence, the lack of standing and the lack of mandate. These sources are now entirely replaced by four different sources of nullity, namely: if the acts on which the sentence was based failed to represent the court proceedings; if the defendant or guardian was not permitted a hearing; if the judge was coerced to render a decision; and if the decision was rendered on grounds other than those agreed upon.

NORM 23

I. Once an appeal has been made to a higher tribunal and the tribunal itself has been constituted in accord with Norm 3, the citation of the parties and the joining of issues shall take place within one month.

At the rime of the joining of issues, if further investigations are requested either by the parties or the defender of the tribunal itself *ex officio,* the case shall be heard in the ordinary manner of second instance. This instance, however, should not if possible exceed the limit of six months.

If further investigations are not required, the judge will immediately decree the case concluded. Within a month from the date of this decree, the tribunal, taking into account the briefs and animadversions of the advocate and defender of the bond, shall issue a new sentence according to the norm of law.

II. In those exceptional cases where in the judgment of the defender of the bond and his Ordinary appeal against an affirmative decision would clearly be superfluous, the Ordinary himself may request of the episcopal conference that in these individual cases the defender of the bond be dispensed from the obligation to appeal so that the sentence of the first instance may be carried out immediately.

Commentary

Paragraph 1! of this norm will be discussed first, since logically and chronologically, the question of a derogation from the mandatory appeal of the defender in first instance should come before any discussion of the particular procedures to be used in a court of second instance.

The primary judgment here is to be made by the defender of the bond as to whether or not an appeal against an affirmative decision would be superfluous to "the search and the ascertainment of the objective truth," which, as Pius XII noted in his celebrated allocution of October 2, 1944,[2] is the whole purpose and the sole end of the judicial process.

In making this judgment it would be well for defenders to recall the advice of Pius XII in that same allocution that defenders, like everyone else, must direct their efforts toward the sole end: *pro rei veritate.* They need not draw up a defense at any cost, an artificial defense, for this would "be contrary to right reason. It would burden the defender of the bond with a useless, worthless task. It would harmfully prolong the process." The duty of the defender is not one of "having unconditionally to defend an imposed thesis, but

[2] Reported in Canon *Law Digest,* 3, pp. 612-622.

of being instead at the service of the already existing truth," the realization of which, said Pius, "will restrain the defender of the bond from demanding new proofs when those already adduced are fully sufficient to establish the truth."

The judgment of the defender, therefore, should depend not on whether the appeal court is efficient or inefficient, liberal or conservative, but solely on whether or not the truth has already been served in the process of first instance and whether, therefore, an appeal would be superfluous to the cause of truth.

The norm also requires the Ordinary to make the same judgment. Obviously, this does not require the Ordinary to study thoroughly every case which receives an affirmative decision in his court. It would surely be sufficient for an Ordinary to select his defenders well, place confidence in their judgments and, generally, to ratify those judgments.

The norm specifies that the request for the dispensation must come from the Ordinary and must be made for each individual case in which it is deemed to be warranted. Such request should be directed to:

His Eminence John Cardinal Dearden
President, NCCB
1312 Massachusetts Avenue, N. W.
Washington, D. C., 20005

It will be sufficient to indicate in the letter requesting this dispensation:

(a) the title and protocol number of the case;

(b) the grounds on which the case was tried;

(c) the date of the affirmative decision;

(d) the fact that the defender and Ordinary agree that an appeal would be superfluous;

(e) the request of the Ordinary that the defender be dispensed from the obligation to appeal so that the sentence of first instance might be executed immediately.

The paragraphs under number I. of this norm [23] deal with a new procedure to be followed by the appeal courts.

In respect to the universal law (Art. 213), this second instance procedure differs in many respects: the case need not be heard *denuo et ab integro;* it may be heard by one judge rather than a college; and the *fatalia* are entirely different, including the total time limit of six months rather than a year (canon 1620).

Within the context of these norms themselves, a few other observations may be made: first, it is conceivable, though improbable, that a case heard in first instance by a collegiate tribunal will be reviewed in second instance by a single judge; secondly, two distinct processes are envisioned, one without further investigation, the other with it. Their chronology would run as follows:

Without		With	
Appeal	1 month	Appeal	1 month
Formulation	1 month	Formulation	months
Sentence		Publication	1 month
		Briefs	j month
	2 months	Rejoinders	1 month
		Decisions	1 month
		Sentence	
			6 months

In regard to the process without further investigation, it should be noted that the briefs and animadversions by the advocate and defender of second instance are obviously meant to be simple endorsements of those in first instance since practically no time is allotted for them. Also the reference to a "new sentence according to the norm of law" indicates that while a simple administrative decree of an appellate court would not be sufficient to uphold or overrule the sentence of first instance, a full and independent restatement of the law, the facts and the reasoning by which the appellate tribunal is led to its decision is not obligatory. It suffices, whenever it fits the circumstances, that the tribunal indicate by means of a short simple statement that in each of these required sections of a proper sentence, it agrees with and makes its own what is recorded in the sentence of first instance, excluding, of course, the actual final response to the *dubium*.

As regards the process *with* further investigation, it is true that the norm indicates that "the case shall be heard in the ordinary manner of second instance" but not, of course, with time limits longer than those permitted in first instance. These would be exactly the same, it is also true that the norm indicates that this instance "should not be protracted beyond the limits of six months." The instance, however, begins with the *contestatio litis* (canon 1732). The whole process, therefore, is really seven months long (one month shorter than first instance where two months rather than one are permitted between the receipt and the *contestatio)*.

Matrimonial Procedural Law Changes: Belgium (Sig. Apost., 10 Nov., 1970) Private.

Following are "the changes of procedural law in matrimonial cases of nullity which were proposed by the Episcopal Conference of Belgium and approved by the Apostolic Signatura." The enumeration given below is that of the rescript; apparently, some of the proposals were not approved and, therefore, they and their corresponding number are simply omitted.

(1) In order to have moral certitude, probative force against the validity of a marriage must not be denied to concordant judicial depositions made by parties worthy of credence provided that every species of collusion is absent, and *provided that there is had at least one witness who is above all exception* and that the presumptions, indications and other corroborative supports concur.

(2) After having listened to the defender of the bond, the judge passes judgment on the need of sworn interrogation of the experts if their written reports are concordant and clear *and provided that proof is bad of the authenticity of the signature on tbe expert's report.*

(3) For the physical examination of a woman, two gynecologists or two midwives should be designated *ex officio.* This examination should be carried out with observance of the norms of Christian modesty *and in the presence of some upright woman if, in view of the circumstances of place and of the customs of tbe people, either the judge prudently so believes or the woman to be examined so requests.*

(5) When an appeal has been interposed by the defender of the bond of first instance, the judges of second instance, after due examination, with the intervention of the defender of the bond of second instance, jointly pass sentence within the shortest period of time *and with the reasons for the decision presented, at least in summary form.*

(7) The common law of canons 1768, 1769 and 1780 is observed.

In addition to these changes of procedural law, the Episcopal Conference of Belgium made the following request:

"Let the local Ordinary, without prior recourse to the S. Congregation, be permitted to instruct a case of nonconsummation immediately in the episcopal curia and then transmit all the acta and documents of the case to the S. Congregation."

By rescript of 7 November, 1970 (cf. the attached), the S. Congregation for the Discipline of the Sacraments granted the favor.

From the scat of the Supreme Tribunal of the Apostolic Signatura, the 10th day of November, 1970.

(Private); Sig. Apost., rescript, 10 Nov., 1970, Prot. N. 805/70 V. T.

Matrimonial Procedural Law Changes: England and Wales: (Sig. Apost., 2 Jan., 1971) Private.

In a petition dated 15 October, 1970, His Eminence, the Cardinal Archbishop of Westminster, in the name of the Ordinaries of England and Wales, requested the following faculties for handling and defining matrimonial cases by way of experiment and for a thrce-ycar period.

1) That to the titles of competence established in canon 1964 there be added the title of domicile of the plaintiff even if this party is non-Catholic.

2) That, with the prior consent of the Ordinary of the competent diocese, the right be had to transfer competence to any other tribunal within the boundaries of France and Wales which is prepared to accept the case, as often as valid reasons are present, especially reasons of speedier administration of justice.

3) That, if the defender of the bond, after an accurate consideration of a given sentence in first instance passed in favor of nullity of the marriage, declares in writing that, in the view of his conscience, he has no reason for interposing an appeal against the said sentence, the prescriptions of canon 1986 *C.I.C.* be dispensed so that the parties may have the right to pass to a new marriage at once.

After having naturely weighed the aforesaid petition, the Supreme Tribunal of the Apostolic Signatura decreed: His Holiness is to be contacted for a granting of the first and the second faculties. With reference to the third faculty, His Holiness is to be contacted for the same concession recently made to the tribunals of Belgium,[1] namely, "When an appeal has been interposed by the defender of the bond of first instance, the judges of second instance, after due examination, with the intervention of the defender of the bond of second instance, *jointly pass sentence witbin tbe shortest period of time and with tbe reasons for the decision presented, at least in summary form.*"

[1] Reported above under this same canon.

Furthermore, it was decreed: His Holiness is to be contacted fora grant to the tribunals of England and Wales of faculties 1), 2) and 3) which have been granted to the tribunal of Belgium, namely.·

(1) In order to have moral certitude, probative force against the validity of a marriage must not be denied to concordant judicial depositions made by parties worthy of credence provided that every species of collusion is absent, and *provided that there is had at least one witness who is above all exception* and that the presumptions, indications and other corroborative supports concur.

(2) After having listened to the defender of the bond, the judge *passes judgment on the need of sworn interrogation of the experts* if their written reports are conccordant and clear *and provided that proof is had of the authenticity of tbe signature on the expert's report.*

(3) For the physical examination of a woman, two gynecologists or two midwives should be designated *ex officio.* This examination should be carried out with observance of the norms of Christian modesty *and in the presence of some upright woman if in view of tbe circumstances of place and of the customs of tbe people, either tbe judge prudently so believes or the woman to be examined so requests.* "

His Holiness, Pope Paul VI, in the audience granted to the undersigned on 28 December, 1970, deigned to grant all the afore-said faculties in accord with the decision of the Apostolic Signatura.

From the seat of the Supreme Tribunal of the Apostolic Signatura, the 2nd day of January, 1971.

(Private); Sig. Apost., rescript, 2 Jan., 1971, Prot. N. 945/70 VT.

Norms for Expediting Marriage Cases (Paul VI, 28 March, 1971) AAS 63-441.

Following is the *motu proprio, Causas matrimoniales,* "in which some norms are established for the more expeditious handling of matrimonial processes."

Marriage cases have always been followed up with special care by holy Mother Church who through them strives to safeguard the holiness and genuine nature of the sacred bond of matrimony. The ministry of ecclesiastical judges clearly shows – although in a way properly its own the pastoral charity of the Church which very' well knows how greatly the salvation of souls is looked to in marriage trials.

Since, however, the number of cases of this kind in our day grows daily more and more, the Church can do nothing but be extremely solicitous in this area. As We said to the auditors of the tribunal of the Sacred Roman Rota, this increase in cases is "a special sign of the diminished sense of the sacred nature of law on which as on a foundation the Christian family rests. It is a sign of the restless and disturbed life of today: a sign of the uncertainties of social and economic conditions in which family life is lived; as a result, it is a sign of the danger which can threaten the stability, the vitality, the happiness of the institution of the family."[1]

But Mother Church is confident that the endeavor made by the recent ecumenical council to bring out and to foster the spiritual good and pastoral care of marriage will produce its fruits also as regards the stability of the marriage bond. On the other hand, she wishes at the same time, by means of the establishment of appropriate norms, to ward off having too lengthy delays in matrimonial trials make the spiritual situation of her children worse.

Therefore, while awaiting a fuller revision of the marriage process which Our Commission for the Revision of the Code of Canon Law is preparing, it seems good to Us to publish norms on the constitution of ecclesiastical tribunals and on the judiciary process whereby the matrimonial process as such might be rendered more expeditious.

Consequently, without prejudice to the other canonical norms concerning processes, of Our own initiative and by Our apostolic authority We decree and establish the following norms which are to be faithfully observed from the first day of the month of October in the year 1971 in all tribunals, even apostolic tribunals, until the new Code of Canon Law is promulgated.

The Competent Forum

I. Marriage cases of baptized persons belong by proper right to an ecclesiastical judge.

II. Cases on the purely civil effects of marriage pertain to a civil magistrate unless particular law stipulates that the said cases, if they are treated in an incidental and accessory manner, can be taken cognizance of and defined by an ecclesiastical judge.

[1] cf. *AAS* 58 (1966), 154.

HI. All marriage cases which pertain to those persons mentioned in canon l 557, §1, 1° of the Code of Canon Law, are taken cognizance of exclusively by that congregation, or tribunal, or special commission to which the Supreme Pontiff in each individual case has committed them.

IV.§1. In other cases of nullity of marriage the competent body is:

a) The tribunal of the place where the marriage was celebrated, or

b) the tribunal of the place where the defendant has a residence which is not transient and which can be established from some ecclesiastical document or in some other legitimate way, or

c) the tribunal of the place in which as a matter of fact most of the depositions or proofs must be collected, provided that there is had the consent both of the local Ordinary of the habitual residence of the defendant and of the local Ordinary and presiding officer of the tribunal of contact.

§2. If the case referred to in the preceding §1, *c)* occurs, the tribunal, before admitting the case, should inquire of the defendant whether he/shc has any objection to the court contacted by the plaintiff.

§3. If the circumstances either of place or of persons mentioned in §1 have substantially changed, the hearing, before the conclusion of the case, can be transferred in particular cases from one tribunal to another equally competent, provided that there is had the consent of the parties and of both tribunals.

The Constitution of the Tribunals

V. §1. If a panel of three clerical judges cannot be formed either in the diocesan tribunal or in the regional tribunal, where one has been erected, the episcopal conference is given the faculty to permit the constitution of a panel made up of two clericsand one lay man in the first and the second instance.

§2. In the first instance when the panel referred to in §1 cannot be formed even by the addition of a lay man, suits of nullity of marriage can, in individual cases, be turned over by the said episcopal conference to a cleric as sole judge. This judge, where it is possible, should join an assessor and an auditor to himself in the trial.

§3. In accord with its own statutes, the episcopal conference can grant the above-mentioned faculties through a board of members or

at least through one member of the conference who have been elected for this purpose.

VI. For the office of assessor and auditor in tribunals on any level, lay men can be called; on the other hand, for the office of notary either men or women can be taken.

VII. Lay persons who are to be accepted for offices of this kind should be noted for their Catholic faith, their good morals, as well as for their knowledge of canon law. However, when there is question of the conferral of the office of judge on a lay man as mentioned in η. V, §1, preference should be given to those who have courtroom experience.

Appeals

VIII. §1. The defender of the bond is obliged to appeal to a higher tribunal within the time set by the law against a sentence of first instance which has declared nullity of a marriage. If he neglects to do so, he must be compelled to do so by the authority of the presiding judge or the sole judge.

§2. In the presence of the tribunal of second instance the defender of the bond should set forth his animadversions in order to say whether or not he has anything to offer in opposition to the decision passed in first instance. Against these animadversions the panel, if it thinks it opportune, should seek out the observations of the parties or of their counsels.

§3. After having looked at the sentence and weighed the animadversions of the defender of the bond as well as those of the parties or their counsels, if such were sought and given, the panel by its decree ratifies the decision of the first instance or admits the case to the regular examination of second instance. In the first case, if nobody has recourse, the spouses, if they arc not otherwise impeded, have the right to contract new marriages after ten days have elapsed from the publication of the decree.

IX. §1. Against a decree of the panel ratifying the sentence of first instance, the defender of the bond or the party who believes himself aggrieved has the right to take recourse within ten days from the date of publication of the decree to a higher tribunal but only when new and serious evidence is adduced as being at hand. Evidence of this kind must be exhibited to the tribunal of third instance within a month from the interposed recourse.

§2. The defender of the bond of third instance, after having listened to the presiding judge of the tribunal, can withdraw from the recourse. In this case the tribunal declares the contest finished. If, however, a party has recourse, the tribunal, after having weighed the evidence adduced, within a month from the interposed recourse either rejects the recourse by a decree or admits the case to the regular examination of third instance.

Rules in Special Cases

X. When there is proof from a certain and authentic document which is not subject to any contradiction or exception, that a diriment impediment existed and at the same time with equal certitude it is evident that a dispensation with regard to these impediments was not granted, in these cases the formalities set down in the law are omitted and the Ordinary, after citing the parties and with the intervention of the defender of the bond, can declare the nullity of the marriage.

XI. Similarly, under the same clauses and in the same way as mentioned in η. X, the Ordinary will then also be able to declare the nullity of a marriage when the case was filed under the heading of defect of canonical form or of defect of a valid mandate on the part of the proxy.

XII. If the defender of the bond prudently believes either that the impediments or defects mentioned in nn. X and XI are not certain or that a dispensation from them has probably been granted, he is obliged to appeal against this declaration to the judge of second instance to whom the acta must be transmitted and who must be apprised in writing that there is question of a special case.

XIII. With the intervention of only the defender of the bond, the judge in second instance decrees in the same way as mentioned in n. X whether the sentence must be confirmed or whether the case must be processed according to the regular channels of law. In the latter case, he sends the case back to the tribunal of first instance.

Temporary Norms

1. On the day on which the present apostolic letter begins to have force, a marriage case which, after the first sentence declaring nullity of the marriage, is being prosecuted before the higher tribunal because of a legitimate appeal, is temporarily suspended.

2. The defender of the bond of second instance should exhibit his animadversions regarding everything, both those matters which look to the decision passed in first instance and those which are contained in the acta thus far completed in second instance, so that he may say whether or not he has anything to offer in opposition to the decision passed in first instance. Against these animadversions, the panel, if it thinks it opportune, should seek out the observations of the parties or of their counsels.

3. After having weighed the animadversions of the defender of the bond as well as those of the parties or of their counsels, if such were sought and given, and after having looked at the sentence of first instance, the panel by its decree either ratifies the decision of first instance or decrees that the case must be prosecuted in the regular examination of second instance. In the first case, if nobody has recourse, the spouses, if they are not otherwise impeded, have the right to contract new marriages after ten days have elapsed from the publication of the decree. However, in the second case the hearing must be continued until the definitive sentence is issued.

All therefore, that Wc have decreed by Our present letter, issued on Our own initiative. Wc order to be ratified and firm, all things to the contrary notwithstanding, even those worthy of most special mention.

Given at Rome, from St. Peter's the 28th day of the month of March, in the year 1971, the eighth of Our pontificate.

AAS 63-441; Paul VI, *motu proprio,* 28 March, 1971. Annotations in *Bibliog. Miss.,* 36 (1972), 246-260 (Zampetti); *Epbem. I. C„* 27 (1971), 443-445 (Filipiak); *Periodica,* 61 (1972), 395-422 (Lefebvre); *Rev. Espan.de Der. Canon., 27* (1971),430-483 (Amo Pachôn); *Sal Terrae.* 59 (1971), 630-641 (Regatillo).

American Procedural Norms: Continuance (N.C.C.B., 19 July, 1971)

Private.

The following letter was sent to all Ordinaries of the United States by Bishop Bernardin, secretary of the National Conference of Catholic Bishops. re λ .

Cardinal Dearden[1] has asked me to inform you that an inquiry made in Rome confirms the judgment that the special procedural

[1] President of N.C.C.B.

norms for marriage cases, granted by the Holy Father to our Conference for a period of three years from 1 July, 1970, continue in full force even after the *motu proprio, Causas Matrimoniales,*2 goes into effect on October 1.

You will recall from my letter of June 18 that there was some question about the effect of the *motu proprio* on the privilege granted to our bishops in these matters. From October 1, our tribunals will have the benefit of the new provisions of the *motu proprio* as well as of our own special norms.

(Private); N.C.C.B., notice, 19 July, 1971, reported in the September, 1971 *Newsletter* of the Canon Law Society of America. Annotations in *Periodica,* 61 (1972), 379-393 (Harman).

CANON 1963

Procedure in Cases of Nonconsummation of Marriage (S. C. Sacr., 15 June, 1952) Private.

Following is a letter addressed to the archbishops, bishops and local ordinaries.

This Sacred Congregation has noticed that in certain dioceses *the process regarding sacramental, nonconsummated marriage* is no longer prepared *in tbe diocesan curias* but *in the tribunals,* often also with the intervention of advocates and procurators.

In order that this may not happen again in the future, this Sacred Dicastery thinks it opportune to recall to the mind of the local Ordinaries that these processes regarding sacramental, nonconsummated marriage, in view of their purely administrative nature, must in no wise be confused with the judicial processes regarding nullity of marriage which pertain to tribunals. Such cases must be instructed exclusively by the bishops, that is, by the local ordinaries, either personally or through a subdelegated priest, *in tbe curia* and not *in tbe tribunal,* after the necessary faculty has been obtained from this S. Congregation.

Bishops of those nations in which regional or provincial tribunals have been recently erected (as in Italy, Canada, etc.) should not forget that such tribunals are competent only for the judicial

2 Both documents reported above under this same canon.

handling of cases of nullity of marriage; nothing new has been introduced after the erection of the above-mentioned tribunals as regards the rights and duties of the individual bishops of the region or province relative to preparing processes regarding sacramental, nonconsummated marriage. Those rights and duties remain intact just as they existed before the erection of such tribunals.

Wherefore, let the bishops weigh these points well:

(1) It belongs only and exclusively to the bishop, that is, the competent local Ordinary (n. 6 of the *Rules to be Observed*[1]) to request from the Apostolic Sec, namely, from this Sacred Congregation, the faculty to prepare a process of this kind and to recommend the petition of the petitioner or petitioners after, however, the said bishop has diligently carried out, extrajudicially, however, the appropriate investigations into facts and persons from which proof will be had *of the solid foundation of the petition.*

When only one party requests the dispensation, the bishop should not fail to question the other party thoroughly as to whether he/she agrees with the first party regarding the alleged fact of nonconsummation and the reason for it; likewise, whether he/she has any objection against the possible granting of the marriage dispensation and, if an affirmative answer is given, for what reasons.

Also in his report, the bishop should not be silent on recounting what he has done to achieve reconciliation of the spouses (n. 10 of the *Rules)* or he should indicate the reasons why he thought he must refrain from the said attempt.

(2) After the faculty has been received from this S. Congregation, the bishop will be able to subdelegate – putting the act of subdelegation in writing (n. 11 of the *Rules)* – any priest whatever to instruct the process whom he judges to be best suited for this task. He should do the same for the defender of the bond and for the recorder (n. 15 of the *Rules).*

(3) If the officialis or vicc-officialis of the diocesan or regional or provincial *tribunal* is subdelegated, he will act exclusively *as the subdelegate of the bishop,* but never as the officialis or vice-officialis of the tribunal. As a result, he will be competent only by virtue of the subdelegation he has and within its limits.

(4) From this it follows that all the pages of the acta of these processes must bear the heading: "The diocesan **curia**....."; but never: "The diocesan .... or regional tribunal." Similarly, the sub-

[1] Reported in *Canon Law Digest,* 1, pp. 764-792.

delegated priest must sign himself: "Priest..... subdclegate," but not "Priest..... officialis or vice-officialis"; every kind of letter in these cases which the bishop believes must be sent to the S. Congregation or to other persons of any kind must be drawn up and sent out *through the curia* and not through the tribunal; finally the acta or papers of the processes must be preserved exclusively in the curial, not in the tribunal, archives.

(5) To the bishops alone, to the exclusion of all others, does it belong *to issue the opinion on the truth of the matter* before the total acta are sent to this S. Congregation for a decision of the case (cf. can. 1985 and n. 98, §2 of the *Rules).*

(6) Finally, let the bishops take care that in instructing these cases of great importance, the process go forward circumspectly and cautiously, and at the same time diligently and, as far as possible, expeditiously lest useless delays be interposed with serious detriment to the parties.

(7) Religiously to be observed are the *Norms* which are set down for these processes in the *Code of Canon Law* (Tit. XX, canons 1960-1992) as well as those especially in the *Rules to be Observed,* issued by this S. Congregation on 7 May, 1923[2] *(AAS* 15 [1923] 389, ff.); in the instruction of this S. Congregation on 27 March, 1929[3] *(AAS,* 21 f1929] 490, ff.); in the decree of 12 June, 1942[4] (AAS, 34 [1942], 200 ff.), *always with the caution that procurators and advocates not inject themselves in any way into the process.*

Finally, in the cases mentioned in art. 206 of the instruction, *Provida,*[5] (AAS, 28 [1936], 313), when, namely, a transfer is duly made from a judicial process of nullity of marriage to the administrative process of dispensation, everything which is therein set down is to be observed exactly with the advertence, however, that the archbishop of the see of the regional or provincial tribunal, in the circumstances mentioned in the second part of the first paragraph and in the second paragraph of the aforesaid article, before he writes up his opinion, be informed by the proper bishop of the spouses or of the petitioning party, at least of the absence of scandal in the instance.

2 Reported in *Canon Law Digest,* 1. pp. 764-792.
3 Reported in *Canon Law Digest,* 1, pp. 792-796.
4 Reported in *Canon Law Digest,* 2, pp. 549-551.
5Reported in *Canon Law Digest,* 2, pp. 471-530 at p. 520.

Likewise, the president of the tribunal should not omit this step in the circumstances mentioned in the first part of the first paragraph of the said article.

From Rome, from the offices of the S. C. of the Sacraments, 15 June, 1952.

(Private); S. C. Sacr., letter, 15 June, 1952, Prot. N. 4380/52; not published in *AAS* but reported in *De Matrimonio Rato et Non Consummato* by Josephus Casoria, pp. 362-364.

Procedure for Cases of Nonconsummation of Marriage in the Oriental Rite (S. C. Eccl. Or., 13 July, 1953) Private.

Following is "An instruction of the Sacred Congregation for the Oriental Church on drawing up the process for a sacramental, nonconsummated marriage."

It seems to this Sacred Congregation that it is necessary to adapt to the prescriptions of the canons *on procedural law (de indiciis)* which His Holiness, Pope Pius XII, published in his apostolic letter, *Sollicitudinem Nostram,*[2] issued on his own initiative on the 6th day of January, in the year 1950, the instruction, *Quo facilius,* issued by this Sacred Congregation on 10 June, 1935, on the instructing of processes for a sacramental, nonconsummated marriage.

This new revision of the aforesaid instruction renders the prescriptions of the said instruction especially adapted to the canons contained in the cited apostolic letter.

Therefore, the hierarchs of the Oriental Churches are obliged to observe in the drawing up of the above-mentioned processes the norms contained in this instruction.

I

The Process for a Sacramental, Nonconummated Marriage

1. Since the power to dispense with regard to a sacramental, nonconsummated marriage has been divinely entrusted to the Roman

[1] Unless otherwise expressly indicated, the canons of this apostolic letter are cited in this instruction. *See AAS,* 42 (1950),5; *Canon Law Digest,* 3, pp. 585-587.

2AÂS, 27 (1935), 333.

Pontiff alone, the petitioning bill of complaint to obtain a dispensation will always have to be addressed to the Roman Pontiff and transmitted to this Sacred Congregation for the Oriental Church (can. 108 of the *motu proprio, Crebrae allatae,* 22 February, 1949)?

2. Cases of sacramental, nonconummated marriage are not processed except at the legitimate request of at least one of the spouses (can. 480).

3. The petitioning bill of complaint must contain a full and accurate presentation of all the facts and the reasons for obtaining a dispensation. Also to be set down are the date, month, and year as well as the eparchy in which the petitioner or petitioners are living who must also, if possible, sign it.

4. The bill of complaint should be transmitted through one's own local hierarch. On the other hand, the hierarch should take care above all to have the parties become mutually reconciled and should adjoin the required and appropriate information regarding the attempt at reconciliation as well as regarding the authenticity of the bill of complaint, and regarding the persons, matters and statements of facts.

5. No lower judge can draw up the process in cases of dispensation of sacramental, nonconsummated marriage unless the Apostolic See has granted him the faculty. If, however, a competent judge by his own authority has conducted a trial on the nullity of marriage on the ground of impotence and the trial has resulted in proving not impotence but the nonconsummation of the marriage, all the acta should be transmitted to the Sacred Congregation which will be able to use them in a process on a sacramental, nonconsummated marriage. But if the proofs which have been formulated up to this time on a marriage which has not thus far been consummated are held to be insufficient, they should be completed and then the acta, fully drawn up, should be sent to the Sacred Congregation (can. 471, §§1-2).

Similarly, if the competent judge by his own authority has conducted a trial on the nullity of marriage on some other grounds and the nullity of the marriage cannot win out but incidentally a very probable doubt turns up that the marriage was not consummated, then it is the right of either or both parties to present a bill of complaint, addressed to the Roman Pontiff, for a dispensation from a sacramental, nonconsummated marriage; and by the law itself power is given to the judge to instruct the case. The said judge

3AAS, 41 (1949), 89.

should then send to the Sacred Congregation the acta, completely drawn up (can. 471, §3).

6. After he has obtained the power from the Apostolic See, the hierarch, by a written decree, which is to be preserved in the acta, constitutes for the case a presiding judge and a defender of the bond, who should be priests endowed with learning and prudence, and a recorder.

The hierarch can personally perform the function of presiding judge.

7. There should be only one presiding judge in the investigation for a dispensation from a sacramental, nonconsummated marriage. As regards the citation and examination of the parties and the witnesses, the review of documents, the physical inspection of persons, the announcement of the decrees, and other matters of this kind, the presiding judge has the right, in accord with the customary norms, to call another tribunal to his assistance by rogatory letters (can. 34).

8. The presiding judge, unless he be the hierarch himself, the defender of the bond and the recorder should take an oath to discharge their office faithfully and to observe secrecy, and mention of this oath should be made in the acta.

I!

Examination of the Credibility of the Spouses and the Witnesses

9. Before the spouses and the witnesses arc examined, the presiding judge and the defender of the bond, with the recorder taking down the information in writing, should investigate the identity of the persons and then warn them of their serious obligation to tell the truth (cf. can. 137, §2), and specially instruct them that if a dispensation should by chance be obtained by deceit or fraud in contradiction of the truth, the dispensation will in no wise help the spouse in the forum of conscience.

10. The spouses and the witnesses must individually take an oath to tell the truth and to observe secrecy regarding the questions and the answers. In the most effective way he can in accord with the condition of the persons, the presiding judge shall explain the sanctity of the oath, especially as regards the telling of the truth. As in the case of the taking of the oath, mention must be made of this warning in the acta.

11. The spouses should be examined:

-on those matters which preceded the marriage; whether they consented to the marriage freely or forcibly and for what reasons.

-on what precise date, where and before whom they celebrated the marriage.

-whether they immediately established common sharing of life; for what period of time they cohabited peacefully and when the estrangement of minds took place; finally, at what precise time was married life broken up.

-whether they know in what the consummation of marriage consists; and whether their marriage was consummated or not, and for what reason.

-whether conjugal intercourse was at least tried and, if perchance imperfectly, they should explain the matter honestly.

-whether they used devices against complete conjugal intercourse or against the generation of offspring and they should explain by what means.

They should be questioned especially:

Gt) whether, when and to whom they made known that their marriage was not consummated.

(b) when and from whom they learned that a sacramental, nonconsummated marriage could be dispensed by the Roman Pontiff.

(c) at what time they reached the decision to ask for this dispensation.

Finally, they should be interrogated about the reasons alleged for seeking dispensation.

If in their depositions the spouses agree too much between them, both the presiding judge and the defender of the bond should prudently investigate whether there is collusion. If, contrariwise, the spouses disagree in substantial matters or in circumstances of great importance, they should be recalled for examination and interrogated about the discrepancies, even using, if the case so warrants, confrontation between the persons themselves, in order that the truth may be ferreted out.

Before the examination of the spouses is concluded, the presiding judge should encourage them to restore conjugal life and mention of this should be made in the acta.

12. If they refuse to be reconciled, then, unless the nonconsummation is certainly proved from some other source, the presiding judge should enjoin each spouse to bring in seven witnesses who are called witnesses of credibility and who are related to them by blood

or by marriage; if such are not available, then neighbors of good reputation or otherwise informed on the matter who can swear regarding the uprightness of the spouses themselves and especially regarding their veracity on the issue under controversy (Can. 482, §1).

13. In addition to general matters, the credibility witnesses should be interrogated particularly concerning the probity of the spouses themselves, their uprightness of life, their observance of the precepts of the Church, their reception of the sacraments, the reputation they enjoy, their veracity, and, specifically, whether faith is to be placed in the spouses when they affirm under oath that the marriage was not consummated.

To these witnesses the presiding judge, either *ex officio* or on the motion of the defender of the bond, can add other credibility witnesses; indeed, he must do so as often as the credibility witnesses brought in by the parties are rather few or he believes them to be insufficient (can. 482, §2).

This testimony is an argument of credibility which adds strength to the depositions of the spouses, but it does not obtain full probative force unless it is bolstered by other supports or evidence (can. 482, §3), especially by depositions of witnesses regarding knowledge received and regarding corporal inspection.

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in

Examination of Knowledgeable Witnesses

14. After a trustworthy affirmation by the spouses on the nonconsummation, careful investigation must be made as to whether the spouses made known the nonconsummation of the marriage at a time not suspect and, to be sure, in what circumstances, so that these declarations can have no other reason than the truth of the fact of nonconsummation.

Wherefore, in addition to the credibility witnesses, the spouses should also bring in suitable witnesses who know the truth of the matter; these are called *knowledgeable witnesses (testes de scientia accepta).*

15. Therefore, the presiding judge should diligently inquire of both the credibility witnesses and the knowledgeable witnesses about those matters which preceded or followed the celebration of the marriage; what things gave cause for the discords between the spouses; if and what information they received from the spouses or from others regarding the nonconsummation; for what reason and in

what words was the information made known and to what purpose-, especially should he inquire at what definite time did they hear of this matter:

(a) whether at a time when conjugal life was still being lived peacefully.

(b) or when discords occurred and conjugal life was already broken up.

(c) or perhaps after the so-called civil process had been begun to obtain a divorce; or after the plan was formed to seek a dispensation and the canonical process was introduced.

Careful consideration should be had regarding the circumstances of time when making the inquiries so that it can be learned, with moral certitude, whether such declarations were made at a time not suspect.

16. To these witnesses the presiding judge, either *ex officio* or on the motion of the defender of the bond, can add other witnesses having knowledge from the spouses or from others. Indeed, he must do so, in as far as possible, if he believes it necessary or opportune (can. 482, §2;cf. can. 281. §3).

IV

Corporal Inspection

17.Λ corporal inspection of each of the spouses or, unless from the circumstances it appears to be evidently useless, at least of the woman is to be made by experts.

Not to be admitted to the function of expert are those who have privately inspected the spouses relative to the fact on which hinges the petition for a declaration of nullity or of nonconsummation. However, it is allowed to bring them in as witnesses (can. 485). As far as it can be done, however, their written attestations should never fail to be reported among the documents.

For the inspection of the man, two expert doctors must be deputed *ex officio* (can. 486, §1).

For the inspection of the woman, there should be designated two women who hold a doctorate in medicine or, at least, a legitimate document of skill in midwifery. If, however, such women cannot be had to carry out the inspection, then the hierarchy may, with the consent of the woman to be inspected, entrust the making of the inspection to men who arc not only outstanding in medicine but are also recommended by reputation as religious and upright, and moral and mature of age (can. 486, §2).

The corporal inspection of the woman must be carried out with full observance of the rules of Christian modesty and always in the presence of an upright matron who has been designated *ex officio* (can. 486, §3).

Each of those who have been legitimately designated must separately perform the inspection of the woman (can. 487, §1).

18. All who have been deputed *ex officio* are to take an oath to fulfill their duty faithfully and with all diligence, and to render judgment without any favoritism to the parties, and also to observe secrecy.

19. In the inspection of the man, the experts arc to be admonished to use the licit and morally right resources of their profession and to report, in accord with approved prescriptions of the legalities of medicine and with attention to the circumstances in the case, the indications and arguments not only as regards impotency but also as regards nonconsummation.

Over and above other aspects, those who have been deputed for the inspection of the woman should pay attention to what the more serious and prudent doctors of medicine hold regarding the certain and the dubious signs of integrity, especially regarding the varieties of hymen and the means which may have been used to offset fraud to simulate integrity.

20. If the experts disagree among themselves, the presiding judge may seek the opinion of one who is more expert regarding the reports of the original experts or he may employ an entirely new set of experts. The presiding judge may do the same thing as often as, after designation, the experts fall under suspicion or arc found to be unequal to and unsuitable for the task (can. 326, §§1-2).

21. Those who have legitimately carried out the inspection of the man and of the woman should individually draw up their reports and turn them in within the time limit specified by the presiding judge (can. 487, §2).

If he believes it opportune, the presiding judge may submit to the examination of some medical expert the reports drawn up by the midwives (can. 487, §3).

After the report has been completed, the experts, midwives, and matron - each separately — should be questioned by the presiding judge in accord with the articles drawn up beforehand by the defender of the bond after he has diligently inspected the above-mentioned reports. They are to respond to those questions after having taken the oath (cf. can. 488).

The experts must clearly indicate in what way and by what method they proceeded in discharging the task entrusted to them and which are the chief arguments on which they support the conclusions they have announced so that the Apostolic See will be able to formulate its own judgment not only from the conclusions of the experts but also from the reported basics and descriptions.

V

The Offices of Presiding Judge, Defender of the Bond, and Recorder

22. It belongs to the presiding judge to take care that everything is carried out according to law and to regulate everything which is better suited to ferreting out the factual truth.

23. The office of the defender of the bond is to defend with all his strength the rights of marriage. Wherefore, he must always be summoned to all sessions and acts of the process. He has the duty to be present at the examination of the parties, the witnesses and the experts; to present interrogatories, sealed and signed, which are to be opened by the presiding judge in the act of examination; to suggest to the presiding judge new interrogatories which emerge from the examination; to take cognizance of the documents exhibited by the parties.

Consequently, at any moment of the trial, he can ask that other witnesses be brought in or that they be subjected to re-examination; he can propose new interrogatories both on general matters and on particulars of the marriage (cf. can. 477, nn. 1-4).

24. Both the presiding judge and the defender of the bond should take care that the questions are not complex but simple and clear so that they are easily and fully understood. Neither are they to be leading nor so made that they cannot be answered by a simple yes or no, but they should be so worded and made that the examinee can, in the clearest way possible, give and explain what information he has (cf. can. 297).

25. Both the presiding judge and the defender of the bond should diligently inquire about the probity and the credibility of each of those summoned or to be summoned to the trial by seeking from their pastors or, at least, from other trustworthy persons testimonial letters in which it is declared that this person about whom inquiry is made, merits belief and that that is evidenced from positive signs of

uprightness and religiousness. Further, individual testimonials must be preserved in the acta.

26. The function of the recorder is to report faithfully and completely in the acta the responses of those examined, not only as regards the substance of the response but also as regards the wording, unless the presiding judge, for a serious and evident reason, considers it sufficient to report only the substance of the deposition; also the date, month, year of the questioning or of any other kind of acta are always and diligently to be consigned to writing. The recorder has the obligation to guard the acta faithfully lest they be exposed to any outsider.

27. If because of the distance of places or other inconveniences, a party or a witness cannot come to the tribunal nor the presiding judge, defender of the bond, and recorder go to the place where the party or the witness lives, the presiding judge should delegate a suitable priest of that place and, if possible, of the same rite who, with the assistance of another priest to function as defender of the bond, should diligently examine the party or the witness according to the interrogatory drawn up by the defender of the bond. With the help of a recorder, he should reduce the responses to writing.

If there is lacking a priest who is suitable for undertaking the function of defender of the bond, the delegated presiding judge should discharge that role himself but make mention of this fact in the acta.

On the other hand, a recorder is always required. In a case of necessity and with scandal and wonderment removed, a lay person can be used for this function.

All of these must take an oath to fulfill their duty faithfully and to observe secrecy.

28. For the examination of a witness who is living in another eparchy, the presiding judge should transmit to the hierarch of the place the interrogatory drawn up by the defender of the bond and, at the same time, set forth the circumstances of the case so that the sought-for information can be had from the witness with sufficient knowledge of all matters.

It belongs to the hierarch of the place to delegate the presiding judge, the defender of the bond, and the recorder for the inquiry in the instance, together with the faculties mentioned in number 26.

VI

Conclusion of the Process

29. The process should not be closed unless the defender of the bond shall have declared that nothing else remains to be asked and the presiding judge shall have attentively looked into whether anything remains incomplete or ambiguous or contradictory. In such a case, after having heard the defender of the bond, he should strive to supply the needed materials by summoning again, if need be, the parties and even the witnesses.

30. After the process has been closed, the defender of the bond produces his animadversions and both the presiding judge and the hierarch himself, unless he is discharging the function of judge, give their opinion.

31. The presiding judge should not proceed to the publication of the process nor to a sentence on the nonconsummation as such or on the reasons for the dispensation but should transmit an authentic copy of all the judicial acta together with the written opinion of the hierarch and of the defender of the bond to this Sacred Congregation (can. 492). The acta should be drawn up in one of the better known languages (Latin, Italian, French or English) and an index included.

Given at Rome, from the offices of the Sacred Congregation for the Oriental Church, the 13th day of the month of July in the year 1953.

(Private); S. C. Eccl. Or., instruction, 13 July, 1953; not published in /1AS but reported in *De Matrimonio Rato et Non Consummato* by Josephus Casoria, pp. 349-3 57.

Faculty to Process Nonconsummation Cases Without Recourse to Holy Sec Each Time (S. C. Sacr., 24 Oct., 1969) Private.

Petition. His Excellency, the Archbishop of Ottawa, as president of the Episcopal Conference of Canada, prostrate at the feet of Your Holiness, humbly requests the general faculty whereby all the local Ordinaries of the *dioceses of Canada may* draw up processes for sacramental, nonconsummated *marriages according to the norms of*

law but without the obligation of seeking prior authority from the Apostolie See in each case.

The reason for the request is the desire to speed up the handling of this kind of process.

Reply. In the audience granted to the undersigned Cardinal Secretary of State, His Holiness, Pope Paul VI, has deigned to grant the aforesaid faculty to all local Ordinaries of the territory of Canada and it will be valid until 31 December, 1971.

After the process has been duly completed in accord with the norms set down in the regulations and the instructions issued by the Holy See which are herewith annexed, it should be sent to this department which takes cognizance "of the fact of nonconsummation of the marriage and of the existence of the reasons given for obtaining the dispensation as well as of all other points which arc connected with these matters" (can. 249, §3).

In addition, the local Ordinaries will, each year, please send to this S. Congregation a report on the number of processes introduced, the cases abandoned or rejected from the start.

Given at Rome, from the offices of the S. C. of the Sacraments, the 24th day of October, 1969.

Note: The following admonition was sent with the above rescript under the same date and with the same protocol number:

At the preliminary stage when requests are accepted, it will be apropos for the local Ordinaries, before the commencement of the process of a particular difficulty (e.g., when the parties admit penetration but without ejaculation, or when they admit that during the marriage there was a conception or a birth of a child simply by absorption of the male semen but without vaginal penetration), to point out to the interested parties how difficult it is to obtain the desired dispensation by reason of the intrinsic difficulty of proving non-consummation and of the scandal which could arise in such circumstances.

(Private); S. C. Sacr., Reply, 24 Oct., 1969, Prot. N. 1784/69; copies of the original documents kindly sent us by the Canadian Canon Law Society.

Emended Procedure in Cases of Nonconsummation of Marriage (S. C. Sacr., 7 March, 1972) AAS 64-244.

The instruction, *Dispensationis matrimonii,* of the S. C. *of* the Sacraments "on certain emendations regarding the norms to be observed in the process concerning sacramental, nonconsummated marriage" is as follows.

Because the petitions presented by the faithful to the Apostolic See for a dispensation of sacramental, nonconsummated marriage are daily increasing, it has seemed opportune to the Sacred Congregation for the Discipline of the Sacraments, in order better to foster the good *of* souls through a more careful drawing up and definition of such processes, to ask the Supreme Pontiff to make some emendations in the norms established by the law.

After the Supreme Pontiff, who has full power to dissolve the bond of a sacramental, nonconsummated marriage,[1] had sedulously considered the opinions of this Dicastery and the urgings of some pastors of souls, he turned them over to the plenary assembly of the members of the aforesaid Congregation for examination.

After the proposals had been diligently examined in the plenary assembly and after the Catholic episcopate had been heard, the Supreme Pontiff deigned to establish the following:

1. General Faculty to Draw up the Process Regarding a Sacramental, Nonconsummated Marriage

It belongs exclusively[2] to the S. Congregation for the Discipline of the Sacraments to take cognizance of the fact of nonconsummation of marriage not only between Catholic parties, whether they belong to the Latin or to the Oriental rites, but also between a Catholic party and a baptized non-Catholic, and between baptized non-Catholics, as well as of the existence of a just, that is, of a proportionately' serious cause for the granting of a papal favor of dispensation.

By virtue of this instruction all diocesan bishops,[3] each for his

*Can. 1119; Pius XII, *motu proprio, Crebrae allatae, 22* Feb., 1949, can. 108.

2Canons 249, §3 and 1962; Pius XII, *motu proprio, Clen sanctitati, 2* June, 1957, can. 196, §3; Pius XII, *motu proprio. Sollicitudinem Nostram, 6* Jan., 1950, can. 470, Paul VI, const, ap. *Regimini Ecclesiae Universae,* 15 Aug., 1967, η. 56, § 1 *(AAS,* 59 [1967], 904; *Canon Law Digest,* 6, p. 335).

At the beginning of his pontificate, the Supreme Pontiff customarily confirms the habitual faculty of the dean of the S. R. Rota, upon request by the terna, to process cases regarding sacramental, nonconsummated marriage if and to the extent that they arise out of cases of nullity of marriage which have been legitimately referred to the said tribunal and, at the conclusion and end, to submit a recommendation for dispensation to the Supreme Pontiff himself.

3Diocesan bishops arc understood to be not only residential bishops but also all other persons equated with them in law: cf. Vat. Coun. II, *Deer, on Past. Off. of lips.,* n. 21 *(AAS,* 58 [1966], 683). With specific reference to bishops of the Oriental rites, cf. Paul VI, ap. letter *Episcopalis potestatis, 2* May, 1967, n. 11 *(AAS,* 59 11967] 387; *Canon Law Digest. 6,* p. 28).

own territory, possess the general faculty to draw up the process regarding a sacramental, nonconsummated marriage from the date on which this instruction begins to be effective until the promulgation of the revised *Code of Canon Law,* in such wise that they no longer need to request it from the Apostolic See.[4] When using this faculty, the said bishops should keep in mind articles 7 and 8 of the *Regulae Servandae* and sedulously observe the following prescriptions:

a) The process regarding a sacramental, nonconsummated marriage is not judicial but administrative and, as a result, differs from the judicial process for cases of nullity of marriage. In the process regarding such sacramental marriages a petition is made to obtain a favor from the benign concession of the Supreme Pontiff. Nevertheless, because of the seriousness of the matter, namely, of the fact of nonconsummation of the marriage, the truth in these processes must be no less religiously and sedulously inquired into than in matters which are properly judicial, so that the Supreme Pontiff, with thorough knowledge of the case, may be able to use his supreme power.

Therefore, it is the task of the duly delegated presiding judge in processes of this kind to collect the proofs from which evidence of the fact of nonconsummation of the marriage can be had as well as of the existence of a just, that is, a proportionately serious cause for the granting of the favor. On the other hand, if from an examination of the acta of the process the proofs collected are not found to be sufficient, the Congregation, if the case so warrants, will be able to suggest to the bishop that they be completed through appropriate instructions.

b) Only the spouses can seek a dispensation regarding a sacramental, nonconsummated marriage·,[5] each one of the spouses can seek it or one or other of them, even against the will of the other.[6]

Although every member of the faithful has the right to send directly to the Apostolic See a petition, which, however, must always be addressed to the Supreme Pontiff,[7] it is advisable and always to be

4 Can. 1963, §1; *Sollic. Nostram,* can. 471, §1; S. C. Sacr., *Regulae Servandae (Reg. serv.),* 7 May, 1923, art. 2 *(AAS,* 15 1192 3), 392; *Canon Law Digest,* 1, p. 765); S. C. Eccl. Or., instr. *Quo facilius,* 10 June, 1935, art. 4 *(AAS,* 27 11935), 334).

5 Can. 1973; *Solite Nostram,* can. 480; *Reg. Serv.,* art. 5; *Quo facilius,* art. 1.

6 Can 1119; *Crebrae allatae,* can. 108.

7 *Reg. Serv.,* art. 6, § 1; *Quo facilius,* art. 1.

recommended that it be presented to the bishop who, after having considered everything in the Lord, will take care to have the process conducted. On the other hand, whenever the petition is that of one-party only, the other party must also be heard extrajudicially before the process is instructed unless, in special cases, another course seems advisable.

c) Before the process is instructed, the bishop must inform himself regarding the juridical basis of the petition and the advisability of initiating the process. Likewise, he should not fail to take steps, after having removed the causes of aversion and dissension, to promote reconciliation of the spouses insofar as that may be possible, unless the circumstances of the case or of the persons indicate that an attempt of this kind would be useless.§

d) The bishop should refer to the Congregation cases of non-consummation of marriage which are complicated and loaded with special difficulties of the juridical or the moral order. The Congregation, after having naturely and diligently considered everything, will communicate to the said bishop what must be done and how.

f) If it should happen that out of the examination of a petition for a dispensation regarding a sacramental, nonconsummated marriage a prudent doubt should arise concerning the validity of the marriage itself, it will then be for the bishop to advise the petitioning party to enter upon the judicial path towards obtaining a declaration of nullity of the marriage according to law or, provided that the petition regarding nonconsummation of the marriage is based on a solid and juridical foundation, to permit the instruction of the process regarding a sacramental, nonconsummated marriage.

On the other hand, when a case of nullity of marriage has been prosecuted under the heading of impotence and from the acta and proofs evidence emerges in the judgment of the tribunal not of impotence but of an as yet nonconsummated marriage, then, upon presentation of a petition by one or both parties for an apostolic dispensation, all the acta, together with the animadversions of the defender of the bond and the opinion of the tribunal and of the bishop based on arguments both in law and, especially, in fact, should be transmitted to the Congregation in order that it may define the case as to its sacramental, nonconsummated aspect. However, as regards the opinion, nothing prevents the bishop from following the opinion of the tribunal; he signs it and attests to the

&*Reg. Serv.,* an. 10; *Quo facilius,* art. 3.

existence of a just or proportionately serious reason for the favor of dispensation and to the absence *of* scandal on the part of the faith* ful.

But if in the judgment of the tribunal the proofs thus far collected concerning the nonconsummation of the marriage are held as insufficient according to the *Regulae Servandae* of 7 May, 1923, they should be completed by the presiding judge and the acta, fully drawn up, together with the animadversions of the defender of the bond and the opinion of the tribunal and of the bishop, should be transmitted to the Congregation.

Insofar as there may be question of other grounds of nullity (e.g., defect of consent, force and fear, etc.) and in the judgment of the said tribunal the nullity of the marriage cannot be established but *incidentally* a strongly probable doubt on rhe nonconsummation of rhe marriage emerges, then each or both of the parties has the right to present a petition to the Supreme Pontiff for an apostolic dispensation from a sacramental, nonconsummated marriage and the presiding judge has the right to instruct the case in accordance with the norms set down in the above-mentioned *Regulae Servandae.* Then all the acta, as above, sc., with the customary animadversions of the defender of the bond and the opinion of the tribunal and of the bishop, should be transmitted to the Congregation.[9]

/) On the other hand, the bishop must vigilantly see to it that neither of the parties in the case nor the witnesses nor the experts ever dare to make a false deposition or to withhold the truth. He knows – and through him all the interested persons should know – that the favor of a dispensation cannot be granted unless two things are proved: that the marriage was actually not consummated and that a just, that is, a proportionately serious reason exists. If one or the other is lacking, the rescript of favor, inasmuch as it labors from obreption, in nowise benefits the one who receives it.[10] It is evident, however, that a papal dispensation never becomes definitive and if a new marriage is perchance entered into after the dispensation, it can always be declared null if it later becomes known that the first marriage was actually sacramental and consummated.

9 Can. 1963, §2; *Sollic. Nostram* can. 471, §§2 and 3; S. C. Sacr. instr. *Provida Mater Ecclesiae (Prov. Mater Eccles.),* 15 Aug., 1936, art. 206 *(AAS,* 28 119361, 553-554; *Canon Law Digest,* 2, pp. 520-521); *Quo facilius,* art. 4.

10 Can. 40; S. C. Sacr., deer. *Catholica doctrina, 7* May, 192 3 *(AAS,* 15 11923), 390, *Canon Law Digest,* 1. p. 765).

II. Instruction of the Case and Preparation of the Acta

With a view to the instruction of the case as such, in order that the inquiry may conduce to a more accurate and speedy discovery of the truth regarding the fact of nonconsummation and, as a consequence, to the promotion of the sanctity and indissolubility of marriage, it has seemed appropriate to introduce these following emendations into the norms established for these processes in the *Code of Canon Law*[11] and in the above-mentioned *Regulae Servandae* issued by the S. Congregation for the Discipline of the Sacraments:

a) If, because of the smallness of the diocese or eparchy and, especially, because of the dearth of priests expert in canon law, the process regarding sacramental, nonconsummated marriage cannot be conducted in the curia or in the tribunal without difficulty, then the bishop, after having prudently weighed these matters, can convey competency to instruct such a process to the officers of the regional or the provincial or the intcrdiocesan or the interritual tribunal (if any) or of the tribunal of the closest diocese or eparchy who are better qualified for undertaking such a task, especially in more difficult cases.

b) In cases of nonconsummation of marriage both the spouses must produce witnesses who are able to testify regarding the probity of the spouses themselves and particularly regarding their veracity with reference to the alleged nonconsummation of the marriage. To these witnesses the presiding judge can *ex officio* add others.[12] A few witnesses can suffice provided that their concordant testimony provides valid proof and moral certitude. This result is had, to be sure, if the persons are above all exception, firmly agree among themselves, and testify under oath: recounting when, how and what they heard from the spouses and their immediate relatives concerning the fact of nonconsummation of the marriage.[13] In cases of this kind it must not be forgotten that the moral argument is of very great importance for the acquisition of moral certitude regarding the nonconsummation of the marriage.

c) The bodily inspection of the spouses must be employed if it is necessary for the attainment of juridical proof of the fact of nonconsummation. On the other hand, if, in accord with the decree of

11 Canons 1960-1992-.*Sollic. Nostram,* can. 468-500.
12 Can. *1975; Sollic. Nostram,* can. 482.
13 Can. *1789; Sollic. Nostram,* can. 312.

the S. S. Congregation of the Holy Office of 12 June, 1942, in view of the moral excellence of the parties and of the witnesses and after serious consideration of their dispositions of soul as well as of other corroborative supports or arguments, full proof of the alleged non-consummation of the marriage is had in the judgment of the bishop, then the inspection may be omitted. However, everything should be carefully weighed before the inspection is declared to be useless.15 If, however, the woman refuses the bodily inspection, then in accord with the rule established in the above-mentioned decree, "the inspection is not to be urged."' As regards other matters pertaining to this inspection, the patriarchal synods and the episcopal conferences have the faculty to establish additional executory norms in accord with the circumstances of places and situations.

d) The acta of the process must be drawn up in writing and must be protected by other safeguards with the help of notaries.16 In keeping with popular present-day practice and technical progress, the curia or the tribunal in nonconsummation cases may (with the consent of the bishop) use a magnetic recorder if its use is actually beneficial and suited to a more accurate and certain recording of the acta of the process. Nevertheless, the acta are able to provide credence only if, though transcribed from a magnetic tape, they square with the prescriptions expressly demanded by the law.

e) Contrary to cases of nullity of marriage, in processes regarding sacramental, nonconsummated marriage, because of their special nature, the services of advocates and procurators cannot be sought. Nevertheless, in compliance with the wishes and desires of some pastors of souls, it is decreed that nothing prevents the parties – either because they so request or the bishop *ex officio* so stipulates – from using the services of counselors or experts, especially ecclesiastics, in these cases as well, cither in writing up the petitions for the favor of a dispensation or in instructing the process or in completing the very acta of the process to the end that, with the truth of the nonconsummation of the marriage safeguarded, the good of souls may be more surely promoted.l 7 The designation of

14S. C. Holy Office, deer., *Qua singulari cura,* 12 June, 1942, (/1/1S, 34 11942l, 200; reported in *Canon Law Digest,* 2, pp. 549-551).

l *5Reg. Serv.,* arts. 85-86; *Quo facilius,* an. 16.

l 6Canons 37 3, §1: 1585; 1642; *Cleri sanet.,* can. 440, § l ; *Sollic. Nostram,* canons 56;157.

l 7Pius XII, alloc, to the auditors, officials and ministers of the S. Roman Rota, 2 Oct., 1944 *(AAS,* 36 11944J, 281-290, reported in *Canon Law Digest,* 3, pp. 612-622.

counselors or experts, whether they are chosen *ex officio* or at the request of the party, belongs to the bishop after he has listened to (he defender of the bond and has admonished the counselors or experts, by a special decree, of the sworn secrecy to be observed[18] lest knowledge of the procedural acta reach the ears of outsiders.

/) In drawing up the opinion "on the truth of the matter," bishops should thoroughly weigh the nature and qualities of the case in a *concrete* and *practical* manner, namely, with consideration of the special circumstances of persons, the fact of nonconsummation, and the opportuneness of the favor.

On the other hand, in cases of nullity of marriage whose acta arc to be transmitted to the Congregation for a concession of dispensation (cf. η. I, e)) or of nonconummation which arc to be instructed with an extension of competence (cf. η. II, *a)),* the archbishop or metropolitan of the regional or provincial or interdiocesan or interritual tribunal or the bishop of the neighboring diocese or eparchy, before he writes up his opinion, should take counsel with the bishop of the petitioning party, since he knows the conditions of his diocese or eparchy, at least about the absence of scandal which might arise from a concession of papal dispensation. If the bishop shall have concluded that the scandal arises or will arise without basis, that is, by design, then with pastoral concern he should strive to stop or to contain it by appropriate means.

g) All the procedural acta, namely, the acta of the case and of the process,[19] as well as other documents can also be drawn up, in addition to the Latin language, in vernacular languages which are widely known. The judicial acta themselves as well as documents which were drawn up in some less well-known language, may be translated into the above-mentioned languages.

Three copies, which may also be photostatic, of these procedural acta and documents, properly authenticated, should be transmitted to the Congregation/ The handwritten text (namely, the "manuscript") should be preserved in the archives of the curia or of the tribunal and should be transmitted, with appropriate safeguards, only if it has been expressly requested by the Dicastery.[21]

18Can. 162 3, §3; Keg. *Serv.,* arts. 46 and 93; *Prov. Mater Eccles.,* an. 130; *Sollic. Nostrant,* can. 1 38. § 3; *Quo facilius,* art. 9.

,9Can 1642;So//tc. *Nostram,* can. 157.

1QRcg. Serv., art. 101, § 1 ; *Quo facilius,* art. 28.

21 Prov. *Mater Eccles.,* art. 105, §3.

It is desirable, since it is often contributes to a more careful and expeditious definition of the case, that the copies of all the judicial acta as well as of the documents be typed up and that the individual pages of the process, numbered and bound into fascicles, be certified for their fidelity of transcript, and their integrity and authenticity by the seal of the actuary or notary.[22]

HI. Clauses Possibly Attached to a Rescript of Dispensation

After a papal grant of dispensation has been given regarding the bond of a nonconsummated marriage, the spouses have the right to enter into other marriages provided that such entrance is not prohibited. Such prohibition can be expressed in two ways: by the phrase "according to intent," (and in this case the "intent" can vary' and is appropriately explained) or by the phrase "forbidden."

a) The phrase expressed in the words "according to intent," which is a prohibitory phrase, is wont to be appended as often as the fact of nonconsummation hinges on causes of lesser moment; its removal is entrusted to the bishop in such wise that he may more expeditiously provide for the pastoral needs of the faithful. However, the bishop should not allow the party requesting the removal of the phrase to enter a new marriage unless, after the prescribed regulations have been observed, the party is found to be truly suited to sustaining the marriage obligations and promises to discharge the conjugal duties in the future in an upright and Christian manner.

b) On the other hand, in special cases, namely, when the reason for the nonconsummation is a physical or psychic defect of greater moment and seriousness, "forbidden" in relation to other marriages may' be appended. Unless it is expressly stated in the rescript, this addendum is not diriment but only prohibitive and its removal is reserved to the Apostolic Sec. Permission, however, to enter a new marriage is granted if the petitioner, after having addressed a petition to the Congregation and after having fulfilled the prescribed conditions, is judged qualified for the proper exercise of conjugal acts.

22Canons 1643, §1; 1644. §1; Re#. *Serv.,* an. *30; Sollic. Nostram,* canons 158, §1; 159, §1; *Quo facilius,* art. 23.

What is here prescribed under letter χ) holds true also for tribunals which shall have conducted processes of nonconsummation in virtue of can. 1963, §2 and art. 206 of *l*rov. Mater Eccles.,* as well as of an. 4 of *Quo facilius* as mentioned above.

It is left to the judgment of the bishop and to his pastoral consideration to inform the party with whom it is intended to enter a new marriage, about the one or other phrase appended to the reseript of dispensation and later removed from it.

Our Holy Father, Pope Paul VI, in the audience granted to the undersigned Cardinal Prefect of the Congregation on the 30th day of December, 1971, graciously deigned to approve and ratify everything contained in this instruction and ordered that it be published in the official commentary, *Acta Apustolicae Sedis,* and that it be duly and religiously observed by all bishops, whether of the Latin or the Oriental rites, and by others to whom it pertains, all things to the contrary notwithstanding, even those deserving special mention.

Given at Rome, from the offices of the Sacred Congregation for the Discipline of the Sacraments, the 7th day of March, 1972.

AAS 64-244; S. C. Sacr., instruction, 7 March, 1972. Annotations in *Jurist,* 32 (1972), 417-418 (McManus); *Rev. Espan, de Der. Canon.,* 28 (1972), 617-641 (Rodriguez); Sa/ *Terrae,* 60 (1972), 706-724 (Regatillo).

CANON 1964

Tribunal Competency; New Accusations (S. C. Pub. Ecd. Neg., 28 Nov., 1972) Private.

The following was addressed to the President of the Canadian Catholic Conference.

In a letter dated the 23rd of October of this year, Your Excellency, in the name of the Canadian episcopal conference, presented a petition to the Holy Father that:

a) in addition to the tribunals heretofore competent to handle cases of nullity of marriage, the tribunal of the place of permanent residence of the plaintiff be declared competent;

b) when in the course of a given case of nullity of marriage other grounds are discovered in addition to those determined at the joinder of issue, the tribunal can also treat them after having heard the defender of the bond and the parties.

In this regard it is part of my office to inform Your Excellency that the Supreme Pontiff, after having maturely weighed the reasons advanced, decreed to set down relative to the above-mentioned petition:

As regards the competency of tribunals, the law now in force must be upheld, that is, competency cannot be extended to the tribunal of the place of permanent residence of the plaintiff.

As regards the faculty to add new grounds after those which have been determined at the joinder of issue, for three years it is granted to the ecclesiastical tribunals of the jurisdiction of Canada that, if in the course of handling cases of nullity of marriage, other grounds of nullity are detected, they can be admitted by a decree of the presiding judge of the tribunal, but with the right given to the defender of the bond and to the parties to raise exceptions which they believe must be proposed.

(Private); S. C. Pub. Ecd. Neg., rescript, 28 Nov., 1972, Prot. N. 7089/72; copy of original sent by the Canadian Canon Law Society.

CANON 1986

Dispensation From Obligation to Appeal Sentence of Nullity (Sig. Apost., 4 Jan., 1971) Private.

The defender of the bond of the Ottawa (Canada) Tribunal sent the following request on 9 November, 1970, to the prefect of the Supreme Tribunal of the Apostolic Signatura.

The present letter is to request of the Supreme Tribunal of the Apostolic Signatura a dispensation from appeal in the case of nullity of marriage between N.N. of N. and X.X. of X., judged affirmatively in the first instance on the 30th of October last. There is question of defect of consent "because of insanity of the man."

The reasons for the request are the following:

1° Evidence of the existence on the part of the defendant of a schizophrenic course medically verified at the latest two years before the marriage when a diagnosis of catatonic schizophrenia was made by a team of six psychiatrists of the provincial psychiatric state hospital in the Province of Ontario (Ontario Hospital at Brockville).

2° Evidence that the defendant had not been cured at the moment of the marriage since two and a half months later, he had to be confined in the same hospital where a team of five psychiatrists made the same diagnosis.

3 The concern of the petitioner to save delays and useless judicial costs and to save the court of appeal work which would hold up the instruction of cases pending.

It is in the capacity of defender of the bond in the case that I present this request, believing in my soul and conscience that an obligatory appeal would be useless in the case.

I include with this request the following documents: 1° a copy of the sentence; 2° a copy of the medical reports of the Ontario Hospital at Brookville regarding the defendant.

Reply. In the assembly held on 11 December, 1970, after having weighed the petition sent by the Reverend Defender of the Bond of rhe Ottawa Tribunal on the 9th of November, 1970, to obtain a dispensation from a second conformed sentence in the above-mentioned case after a sentence had been passed in the first instance by the Ottawa Tribunal on the 30th of October, 1970, declaring nullity of the marriage because of insanity on the part of the man, and after having attended to the reasons advanced as well as the recommendation of His Excellency, the Archbishop of Ottawa, it was decreed: His Holiness is to be contacted for the favor.

His Holiness, Pope Paul VI, in the audience granted to the undersigned on the 28th day of December, 1970, deigned to grant the favor but on condition that the rescript of favor be entrusted to the prudence and conscience of the Excellent Archbishop.

Furthermore, he deigned to grant that in similar cases, after an appeal has been interposed by the defender of the bond of previous instance, the judges in second instance, after the examination and with the intervention of the defender of the bond of second instance, should pass sentence jointly within the shortest period of time after having put forth, at least in a summary fashion, the reasons for the decision.

From the seat of the Supreme Tribunal of the Apostolic Signatura, the 4th day of January, 1971.

(Private); Sig. Apost., rescript, 4 Jan., 1971, Prot. N. 1042/70 VT; from copies ol both documents distributed by the Canadian Canon Law Society.

Suppression of Mandatory Appeal Denied (S. C. Pub. Eccl. Neg.. 15 May, 1972) Private.

Petition. In the name of the Canadian Catholic Conference and through the kind office of Your Eminence I respectfully request the following induit:

"That in processes for marriage cases in the Regional Tribunals of Canada, the defender of the bond not be OBLIGED to appeal against an affirmative decision."

Since the publication of the *Motu Proprio "Causas Matrimoniales,* our appeal courts have followed the new procedure outlined in this document and very much appreciate the possibilities now made available. However, we see an urgent need for this additional measure.

In making this request the Conference is not proposing the abolition of the appeal. Rather, we feel that when the defender of the bond clearly secs that the sanctity of the marriage bond has in fact been honoured and preserved and that justice has been rendered, he should be able to decide that recourse to a court of second instance could serve no useful purpose and would only entail additional expense and delay.

The request made in the name of the Episcopal Conference is basically the same as the permission granted by the Secretary of State for His Holiness to the tribunals of the United States and of Australia.

Prior to the presentation of this topic at our semi-annual Plenary Assembly last week, the Canadian Canon Law Society, at the request of the Conference, consulted all its membership. This study involved all the tribunal personnel in Canada. In the course of the consultation thirty-four replies were received, many of which were on behalf of regional tribunals. Thirty of these replies favoured abolishing the obligatory appeal while four were againt the proposal.

A meeting of all the Episcopal Moderators of the Regional Tribunals in Canada – namely the Ordinaries of Halifax, Quebec, Montreal, Toronto, Regina, Edmonton, Vancouver and the Eparch of Winnipeg – was held during our Plenary Assembly to discuss tribunal difficulties in Canada. These Bishops unanimously proposed requesting the above-mentioned induit.

Subsequently in our Plenary Assembly the Members of the Conference voted almost unanimously in favour of this request: Placet: 50: Non Placet: 1; Abstentions: 2. We do hope that this petition will meet with a favourable reply.

Reply. In your esteemed letter of April 28th last, you requested, on behalf of the Canadian Catholic Conference, that, in derogation of the norms recently established by the *Motu Proprio "Causas Matrimoniales,"* the defender of the bond not be obliged to appeal to a higher tribunal against affirmative decisions of the Regional Ecclesiastical Tribunals.

Reported in (his volume under eanon 1960.

lhe request has been very carefully studied, in the light both of the discipline at present in force, and of the pastoral reasons given by Your Excellency.

In this connection, I would inform you that, by the enactment of the above-mentioned *Motu Proprio,* the Holy Sec has intended to make all the concessions which seem justified until the new Code of Canon Law is promulgated; any exception to the general law made for particular cases is, in itself, unadvisable. With regard to the special concessions granted to the Episcopal Conference of the United States and of Australia, these were given before the *Motu Proprio;* the concessions, moreover, were made only "ad tempus" and "ad experimentum."

Besides, the time taken for appeals can be very little, considering that the higher tribunal can pronounce on the appealed cases by a simple decree, without any additional investigatory process, when (he nullity of the marriage is clearly obvious. If, on the other hand, the higher tribunal should consider a new investigatory process to be necessary, this will, it is true, take time. But it will also be a due safeguard both of justice and of the dignity of the Sacrament.

I'he Holy See is well aware of the efficiency and diligence of the Canadian Ecclesiastical Tribunals, and is therefore confident that the observance of these canonical norms will not be a cause of any undue hardship to the faithful.

(Private); S. C. Pub. Eccl. Neg., reply (in English), 15 May, 1972, Pror. N. 2823/72; copy sent us by the Canadian Canon Law Society.

CANON 1990

Defect of Age: Summary Process (Sig. Apost., 26 May, 1969), Private.

Case. John, born 24 September, 1940, and baptized in a western ecclesial community, entered marriage on 24 August, 1956, before a civil magistrate, with Anna, doubtfully baptized. After two years, John, after a civil divorce had been obtained, contracted civil marriage with Gabriella, a Catholic woman. Now, since he wishes to celebrate this second marriage in the eyes of the Church, he has petitioned from the ecclesiastical tribunal of the Diocese of E a declaration of nullity of his marriage with Anna because of defect of

2Rcponcd in this volume under canon I960.

age on the part of the man because, after having attained the canonical age, he never renewed matrimonial consent. The Ordinal}' requests the faculty so that the aforesaid marriage can be declared null in accordance with canons 1990-1992.

Remarks. From a conjunction of canons 12 and 87, baptized non-Catholics of the west are subject to the prescriptions of the Code of Canon Law unless other provision is expressly made. In canons 1067 on the impediment of age and 1133 on the obligation of renewal of matrimonial consent, after removal of the impediment, such contrary provision is not had.

Canon 1990 contains a taxative enumeration| of marriage cases which can be processed in summary form.

Decision. In the assembly of 26 May, 1969, it was decreed: The case of nullity of the marriage on the basis of defect of age can be processed and resolved according to canons 1990-1992.

(Private); Sig. Apost., resolution, 26 May, 1969; reported in *Apollinaris,* 43 (1970), 453-454: *Periodica,* 60 (1971), 276-277.

Note: A parenthesis – seemingly that of the synoptic – states: "The Apostolic Signatura is not accustomed to grant a general faculty but the Ordinaries must have recourse to the Apostolic See in individual cases and provided that the due circumstances are verified."

Celibacy Dispensation: Priests: Marriage invalid if dispensation granted by anybody other than Suprme Pontiff, *See* c. 214; S. C. Doct. Fid., 26 June, 1972, n. III.

Extension of This Summary Process. *See* c. 1960; Paul VI, 28 March, 1971, nn. X and XI.

CANON 1993

Reduction to Lay State: Norms (Holy Office, 2 Feb., 1964) Private.

The following letter and questionnaire were addressed "to all local Ordinaries and Superiors General of religious families."

His Holiness, Pope Paul VI, vehemently solicitous about safe-guarding sacred celibacy and preserving it without spot, and yet concerned about the lot of those who do not trouble themselves

| Code Com., 6 Dec., 1943; reported in *Cation Law Digest,* 3, p. 645.

about their own priestly dignity and the obligations of sacred ordination – at times, even having attempted so-called civil marriage – has deigned to set up in the Supreme Sacred Congregation of the Holy Office a special commission to which hereafter belongs the exclusive task of subjecting to examination all and every case regarding sacred ordination and its accompanying obligations (not excepting the cases mentioned in can. 214 *C.I.C.)* with this purpose, of course, that, furnished with a careful investigation and a prudent judgment, it may provide for the spiritual good of the priests themselves in such wise, however, that priestly celibacy may be strengthened more and be refulgent in its integrity.

As a result, the *Questionnaire* appended to this document is sent to all local Ordinaries and to Superiors General of religious families. After they have employed fatherly correction but without avail, they will use the questionnaire to collect all the elements necessary and useful for completing the process concerning lapsed priests before the above-mentioned commission in the Holy Office which will earnestly and expeditiously labor to consider and to solve the cases in due fashion.

And yet the Supreme Pontiff is greatly desirous that, insofar as possible, the causes and the occasions of the defections and deviations may be torn up by their roots by using more diligent care in the selection of candidates for the priesthood, in the advancement of their vocation, in the formation of a mature consciousness of the importance and the beauty of chastity and celibacy, and, finally, in unremitting supervision and assistance of the younger Levites in the sacred ministry of souls. To this end, in addition to those matters which fall within the competence of the Sacred Congregations of Seminaries and of Religious to decide in this area, the Ordinaries themselves and the Superiors General shall draw up a more severe examination with regard to the physical health (even seeking the opinion of experts) of candidates for the priesthood, their character- especially their attitude as regards leading a chaste life – and, finally, their vocation. Likewise, the greatest solicitude will have to be employed in the choosing of qualified seminary superiors, especially spiritual directors, who do not indulge in an easy method of education but who, by criteria both supernatural and natural, in accord with the norms of sound psychology' and pedagogy, meet the difficulties, hazards and ambitions of dedicated youth called to the service of the Lord, with watchful prudence and efficacious assistance.

Furthermore, the said Supreme Pontiff, motivated by fatherly sympathy and acceding to the prayers and wishes of many of the cardinals and bishops of the Second Vatican Ecumenical Council, has deigned to provide that the Commission of the Holy Office also consider the cases of those priests who are already involved in concubinage or in attempted civil marriage and whose age is sufficiently advanced and whose true condition is hardly known. That Commission, at the instigation of the Ordinaries and of the Superiors General, will take up cases of this kind and, after having spoken with His Holiness, will communicate to the said Ordinaries the faculty to officiate at a marriage of conscience for such priests. Such a marriage will have to be celebrated, of course, in the presence of the local Ordinary himself without witnesses and notary and its record must be preserved in the secret archives of the curia and notice of it sent to the Holy Office.

Thus it will turn out that the errant priests, who have up to this time been on bad terms with their family, may thereafter, with the help of divine grace, after having regained peace of conscience and humbly conceived a desire to make expiation, lead their lives in a Christian manner.

On the other hand, these benign provisions by the Supreme Pontiff are communicated only to the local Ordinaries and the Superiors General of religious families who will use them cautiously and prudently, with a serious obligation in conscience to observe secrecy.

From Rome, from the office of the Holy Office, the 2nd day of February, 1964.

† Card. A. Ottaviani, Secretary of the II. Office

f P. Parente, Assessor

NORMS

FOR PREPARING CASES REGARDING S. ORDINATION AND ITS OBLIGATIONS

I

EXAMINATION OF THE PLAINTIFF

In the name of God. Amen.

In the year of our Lord ... in the month of .... on the . . . day, at the hour of... in the city of . . ., in the office of. . . ., before

hour.

The judge first of all warns the said plaintiff that in a matter of such great importance, as often as what is adduced is not consonant with the truth, a declaration of nullity of the obligations attached to this ordination and obtained in such manner, does not achieve its effect. Then he asks for and receives the oath by the plaintiff in accord with usage and the prescribed formula.

Thereafter, at the request of the defender of the bond of sacred ordination, the judge opens the envelope which the said defender has presented sealed and which contains the list of questions to be proposed to the petitioner, and proceeds at once, in line with the said list of questions, to the examination of the plaintiff who responds to the individual questions in order as follows.

GENERAL QUESTIONS

The judge interrogates the plaintiff with regard to his first name, his surname, the names of his parents, his age, family situation, the diocese or religious institute to which he belongs, his residence (city, street, parish) and the place of his present dwelling.

Then the judge orders the clerk to read, for the benefit of the plaintiff, the names of the judge and of the officials of the tribunal.

PARTICULAR QUESTIONS TO BE PUT TO THE PLAINTIFF

1. Does he or does he not confirm the exhibited suppliant bill of complaint in its individual parts?

2. Where did he carry out his studies, and did he enter the seminary of his free will? At what age? What time? How long did he stay therein? Did he really not have the intent of entering the clerical state?

3. What was the cause of the inducements, the heated arguments, or the coercion for embracing the said clerical state? From whom did he undergo the inducements, the heated arguments, or the coercion?

4. What were the specific acts of the said inducements and coercion, especially at the time close to sacred ordination? Who was present?

5. What is the character of his parents and of himself?

6. What did he himself do personally to ward off the coercion? Did he employ the work of others to this purpose? Who were they?

7. While he was in the seminary, did he willingly give attention to theological studies? Was he hindered from pursuing other studies? By whom?

8. Either inside the seminary or outside of it, did he lay open his unwillingness to take on sacred orders or his aversion for them? When and to whom?

9. In view of his unwillingness to take on sacred orders, did he manifest it to the seminary superiors, the Ordinary, or the spiritual director (who, however, shall not have been his confessor)? And inasmuch as he did not, why did he not make known his unwillingness to him? Who was that person?

10. Did he know before taking sacred orders of the obligations inherent to them, and especially of the existence and obligation of the law of celibacy?

Was the treatise on chastity explained to him? When?

11. Has he preserved chastity ever since boyhood?

12. How often has he experienced difficulty in the observance of chastity? When did the difficulties begin?

13. Did he manifest such difficulties to his spiritual director, to the rector, to the master of novices, to superiors in general? What counsel did he receive? Did he follow it?

14. What was the condition of the seminary, especially during his theological course? What was the moral discipline? The spirit of piety? What kind of prudence and solicitude on the part of superiors in the proper formation of the students?

15. Does he suffer from an atavistic disease? What kind? Did he search out the judgment of doctors? What persons in the family suffer from hereditary diseases of this kind?

16. Has he experienced sexual anomalies? Of what kind? When did they begin? What did he do to remedy anomalies of this kind?

17. When did he receive the sacred orders of subdiaconate, diaconate, and priesthood? What kind of internal disposition did he really have in the act of sacred ordination? Did he at that time take part in the common enjoyment?

18. Did he recite the Divine Office, celebrate Mass, or exercise the sacred ministry also in some other way?

19. Where the contentions, and specifically of what nature, between himself and his parents? Between himself and others who would be able to push him on to taking sacred orders? Were the contentions known in the place where he was living? Who are the persons who would be able to confirm those contentions?

20. How did he conduct himself after beginning his priesthood? What ministerial duties did he perform? How often? How? For how long? In what places?

21. By the exercise of the sacred ministry did he intend to ratify the obligations of sacred ordination? Does he have at hand documentary evidence, such as letters written by his parents, or by others, before the .reception of sacred orders, to confirm the inflicted coercion, or lack of coercion, or the atavistic disease, etc.?

22. In addition to the witnesses listed in the statement, what others is he bringing in, whether blood relatives, or in-law relatives, or friends, or outsiders, who can fully and sincerely report on all the circumstances about which they were informed at a non-suspected time *(tempore non suspecto)?*

23. Did he ever cry out against his sacred ordination and its accompanying obligations? How did it happen that he put off the introduction or the continuation of his case until the present time?

(Thereafter, if need be, joinders must be made between what the plaintiff asserted and what he himself recounted in the suppliant bill of complaint).

When the examination has been concluded, by order of the judge, the entire deposition is read in a clear voice to the plaintiff and the judge asks him if he has anything to add, to suppress, to correct, to vary.

Then he is asked to take the oath according to form about the truth of what was said and about the observance of secrecy.

After the oath has been taken, the plaintiff, the judge, the defender of the bond, and the clerk sign the deposition.

L + S

N.N., Plaintiff
N.N., Presiding Judge
N.N., Defender of S. Ordination
N.N., Clerk

(NOTE: — *Whenever the saerd ordination of a given priest was conferred after the instruction which was issued by the Sacred Con-*

gregation of the Sacraments on 21 December, 1930,[1] *and be contends that he took sacred orders because coerced by grave fear, the declaration will have to be presented to that ordained man which confirms the manifestation which he made on oath of bis will and in writing. Similarly, those will have to be questioned who were present at the examination and who passed judgment in favor of the sacred ordination of the plaintiff).*

OATH ABOUT THE TRUTH OF WHAT WAS SAID AND ABOUT THE OBSERVANCE OF SECRECY

I, *N.N.,* swear that I have spoken only the truth and the whole truth and that I will never divulge either the questions proposed or the answers given before the present case is completely concluded. So help me God, etc.

OATH TO BE TAKEN BY THE INTERPRETER

I. *N.N.,* the interpreter deputed by the Reverend Judge in the process regarding the nullity of sacred ordination of the priest, *N.N.,* or of the obligations inherent to the same, swear that I will faithfully fulfill the said function by rendering the acta and the documents of the process, word for word, diligently and exactly, and at the same time that I will observe secrecy with regard to everything which I shall have learned in the process. So help me God, etc.

II

JUDICIAL EXAMINATION OF THE PLAINTIFF'S PARENTS

(Since, moreover, regarding those matters which the plaintiff deposed in bis examination, strict questioning must be had of witnesses whom the judge believes to be sufficiently knowledgeable so that thereby they may confirm, or correct, or reject his assertions and may report whether the assertedfacts are known to them, they will have to be subjected to him for a formal examination, with the defender of sacred ordination standing by, and especially the parents and relatives of the plaintiff, from whom these matters will have to be investigated after they have taken the oath and been given the warning mentioned in appendix η. I).

1. The father or the mother must be questioned regarding first name, surname, origin, religion, family situation, and residence.

[1] Reported in *Canon Law Digest,* 1, pp. 463-473.

2. How many sons and daughters did they have? What was the character of the plaintiff? What was his inclination to enter the clerical life?

3. Did they push him.to this goal so that he entered the seminary or the religious institute even though he had manifested that his will was against it?

4. How did they entice him to apply himself to the study of sacred theology' and to advance to sacred orders?

5. What inducements, stimuli, or threats did they use and how often? Were these drawn out up to sacred ordination?

6. Did they also use the work of others to bend the will of their son with a view to entering the priesthood? Who are those persons? What results did they have towards this purpose?

7. Were they informed by anyone of the unwillingness of their son? Who are these persons? Did they persistently push him? Did they learn of his unwillingness from writings of the son? Did they preserve those writings? if they did, let the writings be exhibited.

8. Did they endeavor to solicit the seminary superiors or the bishop himself so that their son would be received into the priesthood? How did they do so? Do they know that those who in any way coerce sons to take sacred orders are automatically excommunicated according to canon 2352?

9. As sacred ordination approached, did their son manifest that his will was against it? How?

10. Did they oppose him when he was refusing to advance to sacred orders? How?

11. Before ordination, did he lead a wicked form of life?

12. Did he dare to foster any wrongful practice?

13. Were there in the family indications of some weakness either of mind or of morality? Is there anything which is redolent of atavism?

14. What signs, namely, of joy or of displeasure did he show at his sacred ordination? Similarly, what indications did he show after having celebrated his first Mass while others were rejoicing?

15. /\ftcr having received sacred orders, did he later acquiesce, or did he show himself negligent in exercising the sacred ministry, omitting the offering of Mass or the recitation of the Office, and did he manifest aversion in these activities?

16. After having received the priesthood, did he begin to lead a wicked form of life? Did he give himself to other studies?

17. Did they themselves commit to execution or did they intend to commit to execution threats leveled at him before the reception

of sacred orders, namely, threats of disinheritance, abandonment, ejection from the home, and others of that kind?

18. After reception of sacred ordination did he begin to foster any wrongful practice? Has it remained up to and in his priesthood?

19.Did he exercise the sacred ministry under pressure of fear of them? How and for how long?

20.(At this point, if need be, joinders must be made between what the plaintiff asserted and what his parents have brought forth to see if their testimonies seem to disagree).

21.Did he himself by the exercise of sacred orders intend to ratify his sacred ordination? Why did he continue in the said exercise?

22.When these questions have been gone through, in order to discharge his function fully, the judge should *ex officio* work up other questions arising out of the completed responses.

When the examination has been concluded, etc., as in η. I.

(In addition to the witnesses brought in by the plaintiff, it is altogether necessary' that others be brought in *ex officio*.

The testimonial letters which were obtained relative to the credibility and uprightness of the witnesses to be examined should be bound together.

Citation notices should be made up as in marriage cases, with the necessary adaptations made, and their intimation should be similarly made).

III.

JUDICIAL EXAMINATION OF WITNESS, N., BROUGHT IN BY THE PLAINTIFF

Session . . .

Observed are the forms as in the examination of the plaintiff. The judge gives the witness the warning mentioned in appendix η. I, and the oath according to the established formula; opens the envelope which the defender has presented sealed and which contains the list of questions which he then asks.

1. The witness is asked about his first name, surname, names of his parents, origin, age, religion, situation, residence (city, street, parish), place of present dwelling.

2.Is he a blood relative or an in-law relative of the plaintiff? In what degree?

3. For how long and on what occasion and how did he come to know the plaintiff?

4. What is the plaintiffs character? Docs he merit belief in what he himself has made known?

5. What was his conduct? And his inclinations to studies?

6. Was the witness instructed by him, and when, that he himself underwent coercion at the hands of his parents or of others?

7. Did he know the parents of the petitioner, their situation, the skill they practice? Did he explore their character and their plan of action relative to the plaintiff?

8. While the plaintiff lived in the seminary, did he exhibit signs of piety? Did he frequently and devoutly approach holy confession and Holy Communion?

9. Did he show himself inclined toward the performance of sacred rites?

10. To which studies was he most strongly attracted in the seminary? Was he accustomed to using shameful conversation?

11. Did he show himself averse to exercising sacred ministries? Did he manifest a contrary will at the reception of sacred orders?

12. What did he himself do to avoid sacred orders?

13. While he was in the seminary, did he exhibit humility and respect to superiors?

14. Did he foster dishonorable familiarities? Did he dig up writings not consonant with uprightness? Did he seem to wear the clerical garb unwillingly?

15. Was he given to reading risqué books? Did he neglect or feel loathing for sacred studies?

16. When speaking, did he detract from the Church, her teaching, and her leaders?

17. In the seminary, was he affected by the punishments because of his shameful mode of action? Did he entice others to shameful things?

18. Did he show himself prone to seizing upon worldly pleasures, preferring them rather than those which serve to foster piety?

19. What is the public opinion regarding his vocation?

20. Did the witness know either personally or from others that the plaintiff's parents coerced him into entering the priesthood? When? For what reason? Who arc these persons?

21. Does he know the circumstances of the inflicted coercion? What were they?

22. Were the parents really so severe that it could be deservedly feared that they would carry out their threats? Was the plaintiff of so timid and faint-hearted a character that, deterred by threats and heated arguments of that kind, he would advance to sacred orders, coerced by grave fear, without being able to avoid the threats and heated arguments?

Have atavistic diseases existed in the family?

23. At the time of sacred ordination, did he show himself mournful? How?

24. On his own, did the witness know before sacred ordination that the said person would have denied his consent to ordination?

25. At the sacred ordination, or after it was completed, did he offer indications of joyfulness or of dejection?

26. Does the witness have any written documents confirming that kind of coercion and the ratification of the obligations? Does he know for a fact that the plaintiff through the exercise of orders tacitly wished to submit himself to the clerical obligations?

27. What is the plaintiff's present program of action?

(At this point the judge should order and ask that the entire deposition made by the plaintiff who brought in the witness be read to the said witness):

28. Does he believe that what has been asserted in that deposition corresponds with the truth in all respects? Does he have the same viewpoints from his own knowledge, or, rather, from the suggestion of the plaintiff? Are the facts asserted by him known to others? Who are these others?

29. Docs the witness have anything to add, to suppress, to correct, to vary?

30. In addition to the questions listed above, the judge will be able to put other questions to the witness if the circumstances of the case so warrant.

(But if the judge thinks it is inappropriate to have the entire deposition of the plaintiff read, he should conduct himself according to the rules given by the S. Congregation of the Sacraments in 1931, n. 51, §2).[2]

Next, the depositions made by the witness orally and taken down in writing by the clerk arc read to him and he is further asked:

31. Does this record fully contain the responses given?

32. He is asked to take the oath according to form regarding the truth of what was said and about the observance of secrecy.

2 Reported in *Canon Law Digest,* 1, p. 826.

After the oath has been taken, the witness, the judge, the defender of sacred ordination, and the clerk sign the deposition.

L + S N.N., Witness
N.N., Presiding Judge
N.N., Defender of S. Ordination
N.N., Clerk

(in like manner must it be done as regards other witnesses who are brought forward either on the motion of the plaintiff or *ex officio*, especially if in the instruction of the process it appears that some one or some others arc well informed on the matter: then the judge will take care that they be summoned so that they may be subjected to examination with the same method observed).

IV

ORAL EXAMINATION OF AN EXPERT

In the year, etc., before the judge, etc., in the presence of, etc., appeared N.N., etc., *(as in tbe other sessions).*

The presiding judge gives the expert the warning mentioned in appendix η. I and the oath regarding telling the truth and observing secrecy. Then he opens the sealed envelope in which are contained the articles which were arranged by the defender of sacred ordination (and which the latter dug out of rhe records previously shown in writing by the same experts) in accordance with rhe general and the particular circumstances and difficulties which must indeed be paid attention to in the act of inspection.

After the general questions have been put, the judge presents the articles to the expert. The articles can be those given below to which he must add others *ex officio* as the case may warrant, after having also attended to the doubtful and ambiguous points which shall have emerged from the list of questions itself.

1. Does the expert have any relationship with the plaintiff?
2. For how long and how did he come to know the plaintiff?
3. Docs he confirm in all its parts the report which he drew up in writing regarding the medical examination?

4. In the said report does he have anything to add, or to correct, or to change?

5. Did the expert carry out the physical examination and draw up the report independently of another expert, if any?

6. By what method and plan did the expert proceed in carrying out the medical examination?

7. Did the plaintiff labor from some hereditary disease or defect which could have an influence on his mistaken choice of state? Can it be cured or not?

8. What did the expert ascertain regarding the temperament of the plaintiff and regarding his psychic state?

9. *(If the case warrants):* How can the sentence of the expert be reconciled with the contrary opinion of the other expert or doctor?

(NOTE: The judge, if he believes it opportune, can submit the reports drawn up by doctors to the examination of another who is more expert).

10. After the reading of the deposition has taken place, does the expert have anything to add, to delete, to correct, or to change?

After the oath has been taken regarding the truth of what was said and regarding the observance of secrecy, the signings follow as usual.

When the instruction of the process has been concluded, the judge, unless he believes it opportune to recall the plaintiff or one of the witnesses for a new examination for the sake of completing the joinders, should include in the process the communications of the pastor or the attestation of another qualified person regarding the credibility which the plaintiff and the individual witnesses merit.

APPENDIX

WARNING

It must be deeply stamped on the mind of the judge and of the witnesses and, especially, of the party requesting the declaration of nullity of sacred ordination or of the obligations inherent to the same, namely, if the matter turns out different from what is asserted by the plaintiff, that is, if the sacred ordination or the obligations attached to the same remain unshaken in their vigor and firmness, and if the truth is not detected in the process either because of the fault or listlessness of the tribunal or because of the deceit or the inactivity of the party and the witnesses, *that a declaration of nullity which has perchance been pronounced, inasmuch as it is destitute of its foundation, is of no validity:* but if, notwithsatnding this, the

plaintiff should dare to think himself freed from the sacred bond and passes over to marriage vows in the world, he should see himself well enmeshed in almost inextricable bonds of sacrileges and censures. Therefore, this warning is to be solemnly issued beforehand *by tbe Excellent Bishop himself (if he carries out the process, otherwise by the presiding judge)* before the oath is taken and must be mentally pondered by all who have part in these cases, especially at the moment at which the sworn responses, attestations, reports are given respectively by the party, the witnesses, the experts.

(Private); Holy Office, letter, 2 Feb., 1964; reported in *Arcbiv K. K. 140* (1971), 159-169.

Reduction to Lay State: Norms and procedures. *See also* c. 214.

CANON 1999

Beatification and Canonization: Process Revised (Paul VI, 19 Mar., 1969) AAS 61-149.

Following is the *motu proprio, Sanctitas clarior,* providing a better ordering of the process in causes of beatification and canonization.

The daily increase in the brightness and depth of sanctity is a declaration and manifestation of the mystery of the Church until, after having her fullness in heaven, *she will, in the supreme happiness of charity, adore God and the Lamb who was slain.*[1]

But our most gracious God, who Himself is the source and culmination and glory of all sanctity, continuously raises up new models of virtue in the Church. Moreover, it is in the life of those who *share in our human nature but are transformed more perfectly into the image of Christ,* . . . that *He vividly manifests to mankind His presence and His face*[2] and furnishes in them an outstanding sign of His kingdom so that, *having such a cloud of witnesses,*[3] He may powerfully attract us to attaining it.

It is not remarkable, then, that the Second Vatican Council, in treating of the mystery of the Church, focused a bright light on this holiness note with which the other notes arc closely connected, and. time and again, called all the faithful of every condition and rank to the fullness of Christian life and the perfection of charity.[4] Indeed,

[1] Vat. Coun. II: *Lumen gentium,* n. 51.
[2] *Ibid.,* n. 50.
[3] Cf. *Ileb.*. 121.
[4] Cf. *Lumen gentium,* nn. 40-42.

this very special invitation to holiness is considered as a characteristic of that Council's teaching and, as it were, its ultimate goal.

While the Church strives to her utmost to foster holiness in all the faithful, she never fails to hold up before their eyes genuine models of holiness, namely, the martyrs and other men and women who are outstanding in their practice of what is referred to as heroic virtue, and she labors greatly that the faithful amy find *in tbeir lives good example, a place in tbeir fellowship, and help through tbeir intercession.* 5

On the other hand, in order that noteworthy examples of this degree of holiness may be correctly discovered and made to be fully resplendent in their authentic light, canonical investigations are necessary, which, as the gravity of the matter demands, must be carried out with the greatest research and care. Our predecessorrs, especially Benedict XIV, of happy memory, bolstered these investigations with laws which, in relation to their times, were very wise and which were later incorporated into the Code of Canon Law. However, in view of the changes in life's conduct and circumstances, it seems fitting and appropriate to revise the procedure and plan of the aforesaid investigation and harmonize it with the needs of our times so that, under the authoritative and efficient collaboration of the Supreme Pontiff and the bishops, an easier and speedier course may be effected for drawing up causes of beatification and canonization of servants of God.

Wherefore, after having diligently weighed the matter, We, by Our own motion and Our apostolic authority, establish and decree the following.

I

Collaboration of Bishops with the Supreme Pontiff in drawing up processes

1. The law which has heretofore obtained, provided for two kinds of process for the beatification of servants of God: one was *ordinary,* which was drawn up by bishops or local Ordinaries using their right which was based on the authority given them in the canons (can. 1999, §3; 2038-, § § I and 2, 1°-3°); the other was *apostolic* (can. 2087-2097) which was drawn up by authority delegated by the Holy Sec and under its supervision (can. 2098-2100).

s From a *Preface,* granted to some dioceses |U.S.A.: Preface of All Saints).

In the future, however, in causes which are following the ordinary route of *non-cult,* only one cognitional process will be instituted to gather proofs and it will consist of a twofold authority: the first is derived from *ordinary* power which is exercised as a proper right and is shared by many; the other is based on power *delegated* by the Apostolic Sec which augments, confirms and raises the first to a higher level.

2.Diocesan bishops or hierarchs as well as others who arc equated whith them in law, as long as they act within the limitations of their jurisdiction (can. 1999, §3; 2038, §2, 1°3°; 2039), whether in virtue of their office or at the request of individual members of the faithful or legitimate associations of the faithful (can. 2003, §§1-2) or their procurators (can. 2004), have the right to investigate and to open or introduce a cause provided that the prescriptions of common law and the special norms issued on this matter by the Sacred Congregation of Rites are observed.

3.However, before a bishop or hierarch opens or introduces a cause, whether *ex officio* or *by request* (n. 2 above), he must consult the Holy See and supply valid and appropriate evidence to show that the cause itself is based on a legitimate and solid foundation.

Later, after having weighed everything, the Holy See will decide whether the way is clear to opening or introducing the cause.

II

Course of the process

4. After the authorization of the Holy See has been obtained, the bishop or hierarch, upon issuance of a decree, can open the cause or, if he judges it better in the Lord, he can defer it to a more appropriate time, or he can also desist.

Whatever decision he makes, however, he is not to fail to inform the Holy Sec of the step he has taken.

5.'I he process comprises an investigation: 1° into the writings of the servant of God; 2° into his life and virtues or his martyrdom as well as into his *non-cult.*

6. When the process has been completed, its acts must be sent to the Sacred Congregation of Rites.

7. After the acts of the process have been diligently examined, if it seems that some additional or complementary materials should be had, the Sacred Congregation of Rites should request them from the

bishop or hierarch or should itself complete the matters *ex officio* (cf. const. *Regimini Ecclesiae universae,* η. 62, §2, 1).*

8. With reference to alleged miracles which are required by law for beatification and canonization, before investigating them, the bishop or hierarch should send a short and accurate report of the fact to the Sacred Congregation of Rites so that he may obtain appropriate instructions from it.

The investigation of alleged miracles is to be carried out separately from the investigation into virtue or martyrdom.

III

The tribunals for drawing up a process

9. The bishop or hierarch who is competent according to law, can do everything necessary for drawing up a process. With the approval of the Apostolic Sec, he or his delegate must handle everything pertinent to opening or introducing a cause (cf. above, nn. 2, 3).

10. §1. In order that processes may be better drawn up, the national or regional conference of bishops is, by virtue of this apostolic letter, given the faculty to erect special territorial tribunals set up for this purpose, for the territories subject to its jurisdiction. Such tribunals, however, require certification by the Apostolic See.

§2. These territorial tribunals arc provincial or interprovincial or national accordingly as they have been erected for only a certain ecclesiastical province, or for several ecclesiastical provinces of a given region, or *for* the whole ecclesiastical territory of a given nation.

§3. The establishment of a territorial tribunal is obligatory if the dioceses of the territory in question lack the officials for the due constitution of a proper diocesan tribunal.

11. It belongs to the episcopal conference:

1° to erect territorial tribunals and to assign to each tribunal its appropriate limitations.

2° to determine the seat of the territorial tribunal.

3° to elect the presiding judge of each tribunal for a five-year term.

12. It belongs to the assembly of bishops of the province or region in question:

1° to propose to the episcopal conference the erection of a territorial tribunal.

•Reported in *Canon Law Digest,* 6, p. 337.

2° to present to the said conference the name of the presiding judge.

3° to elect the other officials of the territorial tribunal *for* a five-year term.

13.After the territorial tribunal has been legitimately established, it obtains judicial power over all the territory assigned to it with reference to the drawing up of all processes entrusted to it by the above-mentioned bishops.

14.Every diocesan bishop of the aforesaid territory may, if he wishes, turn over the drawing up of all processes of causes of beatification of servants of God and of canonization of *beati* to the territorial tribunal for his diocese even when he can duly establish a tribunal in his own curia.

15.1his notwithstanding, even when a territorial tribunal has been legitimately established, rhe bishop retains full right to draw up the said processes in his own curia provided that he can staff his own tribunal with qualified officials, even if they are brought in from outside the diocese.

Everything which We have set down in this letter, issued on Our own initiative, We order to be firm and ratified, all things to the contrary, even those deserving special mention, notwithstanding.

Given at Rome, from St. Peter's, the 19th day of the month of March, the feast of St. Joseph, Spouse of the Blessed Virgin Mary, in the year 1969, the sixth of Our pontificate.

AAS 61-149; Paul VI, *Motu proprio,* 19 Mar., 1969. Annotations in *Clergy Monthly,* 33 (1969), 357-358 (De Letter).

Canonization: New rite reported in *Notitiae,* 5 (1969), 292-293.

CANON 2019

Garabandal (S. C. Doct. Fid., 21 April, 1970) Private.

The following was addressed to the Archbishop of New Orleans.

This office has received your letter of 8 April, 1970, in which you expressed justifiable apprehension about the diffusion of the Garabandal movement in your archdiocese and in which you asked for clear and reliable guidelines from the Holy See for dealing with this phenomenon.

The Holy See shares your preoccupation about the manifest and increasing confusion due to the diffusion of this movement among the faithful and desires with this letter to clarify its position on the matter.

This Sacred Congregation, despite requests from various bishops and faithful, has always refused to define the supernatural character of the events of Garabandal. After the definitive negative judgment issued by the curia of Santander, this Sacred Congregation, after attentive examination of the proceedings forwarded to this office, has often praised the prudence that characterized the method followed in the examination, but has still decided to leave the direct responsibility for the matter to the local Ordinary.

The Holy See has always held that the conclusions and dispositions of the bishop of Santander were sufficiently secure guidelines for the bishops, in order to dissuade people from participating in pilgrimages and other acts of devotion that are based on claims connected with, or founded on the presumed apparitions and messages of Garabandal. On 10 March, 1969, this Sacred Congregation wrote a letter to this effect to the bishop of Santander who has also asked for a more explicit declaration of the Holy Sec in the matter.

However, promoters of the Garabandal movement have tried to minimize the decisions and the jurisdiction of the bishop of Santander. This Sacred Congregation wants it to be clearly understood that the bishop of Santander has been and continues to be the only one with complete jurisdiction in this matter and the Holy See has no intention of examining this question any further since it holds that the examinations already carried out are sufficient as well as arc the official declarations of the bishop of Santander. There is no truth to the statement that the Holy See has named an "Official Papal Private Investigator of Garabandal" and affirmations attributed to this anonymous personage to the extent that "the verification of the Garabandal apparitions lies completely in the hands of the Holy Father, Pope Paul VI" and other such expressions that aim at undermining the authority of the decisions of the bishop of Santander arc completely unfounded.

In order to reply to certain doubts that you expressed in your letter, this Sacred Congregation wishes to assert that the Holy Sec has never approved, even indirectly, the Garabandal movement, that it has never encouraged or blessed Garabandal promoters or centres. Rather, the Holy Sec deplores the fact that certain persons and institutions persist in fomenting the movement in obvious contra-

diction with the dispositions of ecclesiastical authority, and thus disseminate confusion among the people, especially among the simple and defenseless.

From what has been said so far, you will easily realize that, though this Sacred Congregation certainly agrees with the contents of the note of 10 May, 1969 (as published in various countries and especially in the French magazine, *La Documentation Catholique,* 21 Sept., 1969, n. 1.547, p. 821), it must say that it is inexact to attribute the part of the text that deals with the lack of supernatural character of the events of Garabandal to the Sacred Congregation, which has always striven to abstain from any direct declaration on the question, precisely because it did not consider it necessary to do so after the clear and express decisions of the bishop of Santander. This is the genuine meaning of the letter written on 21 January, 1970, by the Most Reverend Paul Philippe, Secretary of the Sacred Congregation, to the editor in chief of *La Documentation Catholique.*

In order to contribute further to your pastoral action in this matter, this office is enclosing other essential documents already published in other countries, such as Spain, i.e., the two official notices of the bishop of Santander, two letters of the Sacred Congregation to the same bishop, and a letter to the Apostolic Delegate to Mexico.

This office hopes in this letter to have clarified a question that concerns not just your archdiocese but also other dioceses.

(Private); S. C. Doct. Fid., letter, 21 April, 1970; reported in *Furrow,* 21 (1970), 657-658.

Garabandal: Letter of the Bishop of Santander (Spain), in whose diocese is located the village of San Sebastian de Garabandal. to all bishops of the entire world denying that anything supernatural occurred at Garabandal either as regards the apparitions or the messages of the Blessed Virgin and interdicting anyone, including priests from outside the diocese of Santander, who comes to Garabandal for reasons of devotion on the basis of the so-called apparitions and messages of the Blessed Virgin at that place. Published originally in Spanish in *Holetin Oficial Obispado de Santander,* June, 1970, n. 7; French version of this letter in *Doc. Cath.,* 68 (1971), 30-32.

San Damiano: Notification by the Bishop of Piacenza (Italy) declaring that 1) nothing supernatural occurred in the so-called apparition of the Blessed Virgin at San Damiano; 2) Rosa Bozzini, who is the center of the affair, is publicly disobedient and is refused both the sacraments and entrance into the Church; 3) the former pastor, Edgardo Pellagani, has been formally ordered, under pain of suspension *a divinis,* not to busy himself with this

issue; 4) all other persons from any place who come to San Damiano for reasons of devotion based on the so-called apparition are interdicted from entrance into the church in the diocese and from reception of the sacraments; priests, moreover, in the same circumstances arc suspended *a divinis;* 1 Nov., 1970. Published originally in *Hollettino Ufficiale della Curia Vescovile di Piacenza,* 1970, n. 5, p. 201; French version of this letter in *Doc. Cath.,* 68 (1971), 32-34.

CANON 2054

Norms for Writing Up Acts (S. C. Caus. Sanct., 3 April, 1970) AAS 62-554.

Here is the decree establishing "new norms for writing up acts" in causes of saints.

In order that the processual acts in causes of saints might not suffer harm because of a long lapse of time, care was taken that both the archetype to be protected in the archive of the ecclesiastical curia and its copy or transcript to be sent to Rome should be written by hand.

However, in order that the writing-up of the said acts might be done more speedily and clearly, the Sacred Congregation of Rites, with the acquiescence of the Supreme Pontiffs, at the instigation of individual postulators of causes, granted the faculty to write up the said acts with the help of typewriters.

But since insistence by this kind of postulator proves to be daily more frequent, the Sacred Congregation for Causes of Saints, in virtue of faculties granted it by the Supreme Pontiff, Paul VI, decided in its ordinary session of 3 April, 1970, after mature consideration, to decree the following, namely:

I. The transcript of each process to be sent to Rome may be drawn up with the help of a typewriter provided that the machine is equipped with a ribbon having indelible ink and provided that the paper used is heavy.

II. The model – which is commonly called the public copy – which must be drawn up by the chancery of the Sacred Congregation itself and must be taken cognizance of in accord with the law and must be given to the postulator, may be prepared by photographic process.

All things to the contrary notwithstanding.
The 3rd day of April, 1970.

AAS 62-554; S. C. Caus. Sanct., decree, 3 April, 1970.

CANON 2146

Suspensive Recourse: Canon 2146, tj 3 made applicable, by analogy, to case of procedural removal of pastor which is appealed from a Sacred Congregation to the Apostolic Signatura. *See* c. 2153; Com. Vat. II Intcrp., 1 July, 1971.

CANON 2148

Summary Process for Removal of Pastor (S. C. Clcr.) Private.

Following in the formula previously used by the S. C. for the Clergy in responding to requests by bishops for a summary process for the removal of a pastor.

The Sacred Congregation for the Clergy, after attending to the matters expounded, graciously gives to the bishop-petitioner the faculty to proceed in a summary form as requested, provided, however, that an invitation is first extended to the pastor to renounce the pastorate in accord with canon 2148 and that the pastor is left the opportunity to set forth his response within a set period of time. Afterward, the Ordinary listens to two pro-synodal examiners and two pastors-consultant with respect to every phase of the case. In accord with canon 2152, the Ordinary should examine what the pastor advances against the invitation and what the afore-mentioned examiners and pastors have manifested; he should definitively decide the case by a decree which must be made known to the pastor but without prejudice to the prescription of canon 2146.

(Private); S. C. Clcr., reported, without date, in footnote 8 on page 438 of *Monit. Eccles.,* 94 (1969), 430-450: "De Parochorum Amotione, Translatione et Renuntiatione Juxta Vaticanum Π" (Romita).

CANON 2153

Recourse in Case of Procedural Removal of Pastor (Com. Vat. II Intcrp., 1 July, 1971) AAS 63-860.

rhe Fathers of the Pontifical Commission for the Interpretation of the Decrees of the Second Vatican Council, when the following question was proposed in its plenary session, believed it should be answered as below:

Question. Whether the recourse which, according to η. 106l of the apostolic constitution, *Regimini Ecclesiae Universae,* can be interposed from decisions of the Sacred Departments to the Supreme Tribunal of the Apostolic Signatura, in the case of the procedural removal of a pastor is devolutive only or also suspensive?

Reply. *In the negative* to the first part; *in the affirmative* to the second, that is, the recourse is not just devolutive but also suspensive from analogy with canon 2146, §3 *C.I.C.*

Our Holy Father, Pope Paul VI, in the audience granted to the undersigned on the 1st day of July, 1971, ratified the aforesaid decision, approved it, and ordered that it be published.

AAS 63-860; Com. Vat. il Interp., reply, 1 July, 1971, section II.

Canon Law Digest, 6, p. 351

BOOK V

CRIMES AND PENALTIES

Canons 2195 -2414

CANON *2254*

Recourse: Computation of time for, in ease of general absolution. *See c.* 886; S. C. Doct. Fid., 16 June, 1972, η. XI.

CANON 2268

Interdict: Levied by the bishops in whose territories Garabandal and San Damiano are located. *See* c. 201 9, ref.

CANON 2279

Suspension: *A divinis* levied against all priests coming to San Damiano for reasons of devotion based on the so-called apparition there of the Blessed Virgin. *See* c. 2019, ref.

CANON 2314

Faculty of Confessors: To absolve from censures for apostasy, heresy, schism, granted to bishops of Germany,[1] renewed for another five years, 19 June, 1970, Prot. N. 318/70; reported *in Archiv. K. K.,* 139 (1970), 176.

CANON 2319

Abrogation: All penalties in this canon. *See* c. 1061; Paul VI, *motu propno* 31 March, 1970, n. 15.

CANON 2342

Cloister Violation: Penalties suspended. See c. 600; S. C. Rel. et S. I., 15 Aug., 1969, sect. VII, n. 16.

CANON 2347

Wrongful Alienation: Penalties of canons 2347-2349 still in force. See c. 1261, S. C. Cler., 11 April, 1971, n. 7.

[1] Reported in *Canon Law Digest,* 6, pp. 853-854.

CANON 2385

Experimental Contrary Provision: *See* c. 593; S. C Rel et i i , .
• 11 a- 14 Jan., 1969.

CHRONOLOGICAL INDEX

In the column next to the last, the reference is to the volume and page of the *Acta Apostolicae Sedis,* or of the *Rota Decisions* (marked *RD)*·, in the last column is given the page of the volume (VI[1] or VII) of the *Canon Law Digest (C.L.D.)* where the document appears.

Year	*Day*	*Month*	*Document and Source*	*AAS* or *RD*	*C. L. D.*
1925	5	April	Reply, S. C. Rel.		VII. 514
1950	17	April	Decision, Rota		VII. 748
1951	12	Jan.	Ap. letter, Pius XII	44-216	VII. 832
1952	15	June	Letter, S. C. Sacr.		VII. 975
1953	13	July	Instr., S. C. Eccl. Or.		VII. 978
1960	15	Jan.	Reply, S. C. Cone.		VII. 894
1960	7	March	Decree, S. C. Sem.	52-493	VI. 362
1961	24	Oct.	Alloc., John XXIII	53-723	VI. 810
1962	8	May	Decree, S. C. Consist.	55-55	VI. 422
1962	9	Sept.	Alloc., John XXIII	54-673	VI. 765
1962	15	Nov.	Decree, S. C. Sem.	55-357	VI. 799
1962	27	Nov.	Address, John XXIII	55-50	VI. 208
1962	29	Nov.	Letter, John XXIII	55-31	VI. 759
1962	8	Dec.	Ap. Letter, John XXIII	55-444	VI. 441
1962	8	Dec.	Message, John XXIII	55-53	VI. 214
1962	22	Dec.	Message, John XXIII	55-13	VI. 210
1962	24	Dec.	Message, John XXIII	55-52	VI. 210
1962	25	Dec.	Alloc., John XXIII	55-48	VI. 210
1962	29	Dec.	Reply, S. C. Rel.		VII. 512
1963	4	Jan.	Alloc., John XXIII	55-89	VI. 210
1963	6	Jan.	Letter, John XXIII	55-149	VI. 307
1963	9	Jan.	Decree, S. Paen.	55-56	VI. 576
1963	18	Jan.	Letter, John XXIII	55-159	VI. 758
1963	25	Jan.	Alloc., John XXIII	55-96	VI. 222
1963	27	Jan.	Alloc., John XXIII	55-99	VI. 217
1963	2	Feb.	Alloc., John XXIII	57-273	VI. 209
1963	8	Feb.	Alloc., John XXIII	55-229	VI. 441
1963	11	Feb.,	Alloc., John XXIII	55-171	VI. 216
1963	13	Feb.	Letter, John XXIII	55-228	VI. 759
1963	19	Feb.	Alloc., John XXIII	55-232	VI. 222
1963	20	Feb.	Letter, John XXIII	55-327	VI. 799
1963	1	March	Letter, Arbp. Balt.		VI. 764
1963	7	March	Alloc., John XXIII	55-238	VI. 219
1963	7	March	*Motu proprio,* John XXIII	55-205	VI. 799
1963	14	March	Message, John XXIII	55-344	VI. 209
1963	17	March	Alloc., John XXIII	55-328	VI. 758
1963	11	April	Encyc., John XXIII	55-257	VI. 212
1963	13	April	Message, John XXIII	55-399	VI. 211
1963	28	April	Alloc., John XXIII	55-397	VI. 222
1963	10	May	Alloc., John XXIII	55-448	VI. 219
1963	10	May	Alloc., John XXIII	55-450	VI. 219
1963	11	May	Alloc., John XXIII	55-455	VI. 219
1963	11	May	Letter, John XXIII	55-434	VI. 759
1963	13	May	Alloc., John XXIII	55-458	VI. 759
1963	20	May	Exhort., John XXIII	55-440	VI. 307
1963	21	June	Chirograph, Paul VI	55-582	VI. 363

[1] References *in addition* to those in the chronological index of volume VI.

Year	*Day*	*Month*	*Document and Source*	AAS or *RD*	*C. L. D.*
1963	22	June	Address, Paul VI	*55-570*	VI. 222
1963	27	June	Letter, Paul VI	55-736	VI. 441
1963	29	June	Alloc., Paul VI	55-675	VI. 220
1963	9	July	Alloc., Paul VI	55-680	VI. 216
1963	18	July	Message, Paul VI	55-693	VI. 210
1963	18	July	Prayer, S. Paen.	55-659	VI. 576
1963	20	July	Letter, Paul VI	55-757	VI. 209
1963	23	July	Alloc., Paul VI	*55-687*	VI. 224
1963	30	July	Alloc., Paul VI	55-689	VI. 510
1963	5	Aug.	Telegram, Paul VI	55-760	VI. 218
1963	12	Aug.	Decree, S. C. Sem.	····«	VI. 362
1963	30	Aug.	Alloc., Paul VI	55-744	VI. 442
1963	30	Aug.	Message, Paul VI	55-759	VI. 223
1963	31	Aug.	Alloc., Paul VI	55-746	VI. 223
1963	6	Sept.	Alloc., Paul VI	55-750	VI. 423
1963	12	Sept.	Address, Paul VI		VI. 222
1963	14	Sept.	Exhort., Paul VI	55-733	VI. 307
1963	20	Sept.	Alloc., Paul VI	55-860	VI. 222
1963	22	Sept.	Address, Paul VI	55-883	VI. 209
1963	26	Sept.	Address, Paul VI	55-881	VL 361
1963	27	Sept.	Alloc., Paul VI	55-862	VI. 223
1963	3	Oct.	Alloc., Paul VI	55-897	VI. 221
1963	3	Oct.	Prayer, S. Paen.	55-898	VI. 576
1963	5	Oct.	Alloc., Paul VI	55-868	VI. 222
1963	8	Oct.	Address, Paul VI	55-884	VI. 222
1963	10	Oct.	Telegram. Paul VI	55-888	VI. 217
1963	11	Oct.	Alloc., Paul VI	55-872	VI. 307
1963	12	Oct.	Address, Paul VI	55-886	VI. 362
1963	13	Oct.	Alloc., Paul VI	55-875	VI. 212
1963	13	Oct.	Alloc., Paul VI	55-915	VI. 758
1963	15	Oct.	Ap. letter, Paul VI	56-297	VI. 759
1963	15	Oct.	Ap. letter, Paul VI	56-298	VI. 759
1963	15	Oct.	Ap. letter, Paul VI	56-300	VI. 759
1963	20	Oct.	Alloc., Paul VI	55-1014	VI. 764
1963	26	Oct.	Alloc., Paul VI	55-1018	VI. 219
1963	27	Oct.	Alloc., Paul VI	55-1020	VI. 758
1963	28	Oct.	Prayer, S. Paen.	55-1053	VI. 576
1963	2	Nov.	Telegram, Paul VI	55-1047	VI. 223
1963	4	Nov.	Alloc., Paul VI	55-1030	VI. 765
1963	4	Nov.	Ap. letter, Paul VI	55-979	VI. 765
1963	6	Nov.	Message, Paul VI	55-1045	VI. 759
1963	10	Nov.	Homily, Paul VI	55-969	VI. 216
1963	17	Nov.	Alloc., Paul VI	55- 1036	VI. 759
1963	17	Nov.	Statement, N.C.C.B		VI. 764
1963	22	Nov.	Chirograph, Paul VI	56-2 31	VI. 755
1963	3	Dec.	Letter, Paul VI	56-23	VI. 441
1963	6	Dec.	Address, Paul VI	56-50	VI. 213
1963	11	Dec.	Ap. letter, Paul VI	56-235	VI. 364
1963	12	Dec.	Address, Paul VI	56-52	VI. 209
1963	23	Dec.	Alloc., Paul VI	56-40	VI. 213
1963	23	Dec.	Message, Paul VI	56-55	VI. 210
1963	24	Dec.	Alloc., Paul VI	56-43	VI. 210
1963	25	Dec.	Letter, Paul VI	56-188	VI. 213
1963	31	Dec	Letter. Paul VI	56-189	VI. 221

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1964	15	Jan.	Exhort., Paul VI	56-183	VI. 210
1964	26	Jan.	Message, Paul VI	56-207	VI. 221
1964	31	Jan.	Alloc., Paul VI	56-203	VI. 210
1964	2	Feb.	Letter, Holy Office		VII. 100
1964	20	Feb.	Letter, Paul VI	56-357	VI. 215
1964	22	Feb.	*Motu proprio,* Paul VI	56-225	VI. 766
1964	25	Feb.	Ap. letter, Paul VI	56-677	VI. 758
1964	7	March	Ap. letter, Paul VI	56-682	VI. 759
1964	12	March	Alloc., Paul VI	56-363	VI. 362
1964	27	March	Alloc., Paul VI	56-370	VI. 223
1964	28	March	Decree, S. C. Consist.	56-767	VI. 422
1964	29	March	Address, Paul VI	56-391	VI. 211
1964	12	April	.Message, Paul VI	56-451	VI. 208
1964	17	April	Alloc., Paul VI	56-387	VI. 223
1964	23	April	Alloc., Paul VI	56-390	VI. 211
1964	2	May	Alloc., Paul VI		VI. 220
1964	7	May	Alloc., Paul VI	56-438	VI. 735
1964	17	May	Homily, Paul VI	56-248	VI. 231
1964	17	May	Sermon, Paul VI	56-428	VI. 209
1964	29	May	Message, Paul VI	56-597	VI. 218
1964	30	May	Alloc., Paul VI	56-571	VI. 216
1964	31	May	Message, Paul VI	56-591	VI. 218
1964	8	June	Alloc., Paul VI	56-574	VI. 212
1964	19	June	Alloc., Paul VI		VI. 798
1964	23	June	Alloc., Paul VI	56-581	VI. 209
1964	23	June	Letter, S. C. Rel.		VII. 418
1964	28	June	Alloc., Paul VI		VI. 412
1964	1	July	Letter, Paul VI	56-744	VI. 758
1964	1	Aug.	Alloc., Paul VI	56-764	VI. 216
1964	6	Aug.	Encyc., Paul VI	56-609	VI. 212
1964	11	Aug.	Alloc., Paul VI	56-750	VI. 549
1964	26	Aug.	Alloc., Paul VI		VI. 219
1964	3	Sept.	Message, Paul VI	56-949	VI. 218
1964	6	Sept.	Message, Paul VI	56-817	VI. 216
1964	7	Sept.	Message, Paul VI	56-820	VI. 217
1964	8	Sept.	Alloc., Paul VI		VI. 440
1964	8	Sept.	Decree, S. C. Sem.	56-951	VI. 362
1964	25	Sept.	Alloc., Paul VI	56-936	VI. 798
1964	28	Sept.	Alloc., Paul VI	56-939	VI. 810
1964	3	Oct.	Alloc., Paul VI	56-943	VI. 209
1964	3	Oct.	Letter, Paul VI	56-978	VI. 361
1964	6	Oct.	Induit, S. C. Cone.		VII. 895
1964	23	Oct.	Alloc., Paul VI	56-981	VI. 211
1964	24	Oct.	Alloc., Paul VI	56-983	VI. 218
1964	24	Oct.	Ap. letter, Paul VI	56-965	VI. 758
1964	30	Oct.	Alloc., Paul VI	56-996	VI. 223
1964	4	Nov.	Alloc., Paul VI		VI 208
1964	6	Nov.	Alloc., Paul VI	56-999	VI. 416
1964	8	Nov.	Alloc., Paul VI	56-1020	VI. 221
1964	9	Nov.	Alloc., Paul VI	56-1004	VI. 820
1964	10	Nov.	Letter, Paul VI	57-158	VI. 764
1964	25	Nov.	Decree, S. C. Sem.	57-191	VI. 362
1964	28	Nov.	Rescript, S. C. Rit.		VI. 848
1964	30	Nov.	Decree, S. C. Sem.	57-192	VI. 362

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1964	2	Dec.	Alloc., Paul VI	57-113	VI. 214
1964	10	Dec.	Message, Paul VI	57-184	VI. 211
1964	17	Dec.	Letter, Paul VI	57-160	VI. 211
1964	22	Dec.	Message, Paul VI	57-176	VI. 210
1964	24	Dec.	Alloc., Paul VI	57-169	VI. 357
1965	1	Jan.	Address, Paul VI	57-183	VI. 209
1965	11	Jan.	Alloc., Paul VI	57-233	VI. 827
1965	12	Jan.	Letter, Paul VI	57-375	VI. 216
1965	15	Jan.	Message, Paul VI	57-372	VI. 223
1965	25	Jan.	Decree, S. C. Sem.	.....	VI. 510
1965	27	Jan.	Lit. texts, S. C. Rit	.....	VI. 140
1965	27	Jan.	Decree, S. C. Sem.	57-347	VI. 786
1965	2	Feb.	Letter, Paul VI	57-376	VI. 217
1965	4	Feb.	Alloc., Paul VI	57-253	VI. 216
1965	5	Feb.	Ap. const., Paul VI	57-442	VI. 311
1965	6	Feb.	Rescript, S. C. Rel.	.....	VI. 444
1965	10	Feb.	Alloc., Paul VI	57-312	VI. 221
1965	11	Feb.	Alloc., Paul VI	57-314	VI. 219
1965	20	Feb.	Letter, Paul VI	57-309	VI. 214
1965	22	Feb.	Ap. letter, Paul VI	57-301	VI. 764
1965	22	Feb.	Consistory, Paul VI	57-273	VI. 311
1965	1	March	Alloc., Paul VI	57-325	VI. 217
1965	7	March	Ap. letter, Paul VI	57-574	VI. 510
1965	7	March	Decree, S. C. Rit.	.....	VI. 138
1965	7	March	Decree, S. C. Sem.	57-414	VI. 362
1965	25	March	Address, Paul VI	57-400	VI. 217
1965	25	March	Alloc., Paul VI	57-386	VI. 364
1965	25	March	Letter, Paul VI	57-500	VI. 220
1965	27	March	Alloc., Paul VI	57-388	VI. 220
1965	18	April	Message, Paul VI	57-397	VI. 211
1965	22	April	Alloc., Paul VI	57-506	VI. 222
1965	27	April	Letter, Sec. St.	.....	VI. 140
1965	29	April	Encyc., Paul VI	57-359	VI. 217
1965	30	April	Alloc., Paul VI	57-507	VI. 220
1965	2	May	Address, Paul VI	57-530	VI. 220
1965	7	May	Alloc., Paul VI	57-511	VI. 442
1965	7	May	Letter, Paul VI	57-579	VI. 221
1965	14	Mav	Alloc., Paul VI	57-517	VI. 764
1965	14	May	Alloc., Paul VI	57-520	VI. 216
1965	18	May	Decree, S. C. Consist.	57-1006	VII. 914
1965	21	May	Alloc., Paul VI	57-526	VI. 442
1965	25	May	Alloc., Paul VI	57-592	VI. 220
1965	26	May	Decree, S. C. Rit.	57-542	VI. 758
1965	30	May	Address, Paul VI	57-605	VI. 221
1965	30	May	Alloc., Paul VI	57-595	VI. 224
1965	30	May	Letter, Paul VI	57-581	VI. 213
1965	1	June	/\Jloc., Paul VI	57-601	VI. 210
1965	10	June	Homily, Paul VI	57-587	VI. 213
1965	15	June	Letter, Paul VI	57-630	VI. 362
1965	17	June	Message, Paul VI	57-659	VI. 211
1965	24	June	Alloc., Paul VI	.....	VI. 222
1965	24	June	Message, Paul VI	57-662	VI. 223
1965	25	June	Address, Paul VI	57-725	VI. 759
1965	25	June	Letter, Paul VI	57-719	VI. 213

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1965	7	July	Alloc., Paul VI	57-651	VI. 213
1965	31	July	Address, Paul VI	57-728	VI. 209
1965	31	lulv	Statutes, Paul VI		VI. 422
1965	3	Sept.	Encyc., Paul VI	57-753	VI. 212
1965	20	Sept.	Alloc., Paul VI	57-906	VI. 208
1965	25	Sept.	Alloc., Paul VI	57-903	VI. 221
1965	26	Sept.	Homily, Paul VI		VI. 214
1965	29	Sept.	Decree, S. C. Sem.	58-171	VI. 362
1965	2	Oct.	Alloc., Paul VI	57-907	VI. 222
1965	3	Oct.	Message, Paul VI		VI. 218
1965	12	Oct.	Ap. const., Paul VI	58-424	VI. 364
1965	15	Oct.	Alloc., Paul VI	57-909	VI. 213
1965	16	Oct.	Alloc., Paul VI	57-911	VI. 222
1965	18	Oct.	Decree, S. C. Sem.	58-250	VI. 362
1965	23	Oct.	Message, Paul VI	57-919	VI. 218
1965	24	Oct.	Message, Paul VI	57-999	VI. 217
1965	4	Nov.	Address, Paul VI	58-87	VI. 759
1965	13	Nov.	Alloc., Paul VI	57-970	VI. 220
1965	15	Nov.	Notif Vat II		VI. 239
1965	18	Nov.	Message, Paul VI	57-1000	VI. 216
1965	25	Nov.	Letter, Paul VI	58-47	VI. 362
1965	26	Nov.	Alloc., Paul VI	57-991	VI. 221
1965	28	Nov.	Alloc., Paul VI	57-996	VI. 213
1965	1	Dec.	Address, Paul VI	58-997	VI. 217
1965	6	Dec.	Alloc., Paul VI	58-66	VI. 215
1965	6	Dec.	Statutes S C Rel		VI. 455
1965	7	Dec.	*Motu proprio,* Paul VI	58-22	VI. 211
1965	8	Dec.	Ap. const., Paul VI	58-201	VI. 441
1965	9	Dec.	Alloc., Paul VI	58-75	VI. 208
1965	17	Dec.	Letter, Paul VI	58-205	VI. 220
1965	22	Dec.	Letter, Paul VI	58-50	VI. 211
1965	23	Dec.	Alloc., Paul VI	58-79	VI. 210
1965	23	Dec.	Message, Paul VI	58-90	VI. 210
1965	25	Dec.	Alloc., Paul VI	58-83	VI. 210
1965	25	Dec.	Alloc., Paul VI	58-96	VI. 210
1965	30	Dec.	Message, Paul VI	58-161	VI. 219
1965	31	Dec.	Message, Paul VI	58-161	VI. 219
1966	6	Jan.	Alloc., Paul VI	58-137	VI. 765
1966	6	Jan.	Alloc., Paul VI	59-68	VI. 210
1966	6	Jan.	Decree, S. C. Rel.		VI. 455
1966	8	Jan.	Alloc., Paul VI	58-141	VI. 219
1966	10	Jan.	Alloc., Paul VI	58-146	VI. 217
1966	13	Jan.	Decree, S. Paen.	58-332	VI. 575
1966	18	Jan.	Alloc., Paul VI	58-151	VI. 216
1966	24	Jan.	Letter, Paul VI	58-135	VI. 208
1966	25	Jan.	Alloc., Paul VI	58-152	VI. 221
1966	25	Jan.	*Motu proprio,* Paul VI	58-113	VI. 764
1966	26	Jan.	Alloc., Paul VI	58-152	VI. 827
1966	29	Jan.	Alloc., Paul VI	58-155	VI. 221
1966	29	Jan.	Rescript, S. C. Cone.		VII. 393
1966	31	Jan.	Alloc., Paul VI	58-210	VI. 211
1966	5	Feb.	Alloc., Paul VI	58-214	VI. 441
1966	5	Feb.	Alloc., Paul VI	58-215	VI. 216
1966	10	Feb.	Replies, Com. Cent.	60-360	VII. 135

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1966	12	Feb.	Alloc., Paul VI	58-218	VI. 224
1966	21	Feb.	Alloc., Paul VI	58-225	VI. 220
1966	23	Feb.	Alloc., Paul VI	58-229	VI. 208
1966	8	March	Alloc., Paul VI	*58-298*	VI. 217
1966	10	March	Instr., S. C. Sacr.		VII. 645
1966	20	March	Letter, Paul VI	58-475	VI. 214
1966	25	March	Alloc., Paul VI	58-308	VI. 307
1966	6	April	Reply, S. C. Doct. Fid.		VII. 770
1966	10	April	Message, Paul VI	58-313	VI. 211
1966	12	April	Message, Paul VI	58-390	VI. 212
1966	16	April	Alloc., Paul VI	58-359	VI. 216
1966	18	April	Statement, U.S. Bps. Com. Lit.		VI. 755
1966	21	April	Alloc., Paul VI	58-371	VI. 213
1966	23	April	Alloc., Paul VI	58-372	VI. 218
1966	23	April	Alloc., Paul VI	58-377	VI. 306
1966	23	April	Telegram, Paul VI	58-393	VI. 220
1966	28	April	Alloc., Paul VI	58-382	VI. 218
1966	30	April	Telegram, Paul VI	58-444	VI. 220
1966	1	May	Alloc., Paul VI	58-387	VI. 224
1966	3	May	*Motu proprio,* Paul VI	58-337	VI. 306
1966	9	May	Alloc., Paul VI		VI. 221
1966	9	May	Alloc., Paul VI	58-439	VI. 214
1966	11	May	Alloc., Paul VI		VI. 480
1966	11	May	Alloc., Paul VI	58-441	VI. 306
1966	12	May	Alloc., Paul VI	58-443	VI. 209
1966	13	May	Alloc., Paul VI	58-480	VI. 218
1966	15	May	Homily, Paul VI	58-483	VI. 220
1966	16	May	Alloc., Paul VI	58-488	VI. 440
1966	22	May	Alloc., Paul VI	58-492	VI. 221
1966	24	May	Alloc., Paul VI	58-497	VI. 218
1966	26	May	Letter, Paul VI	58-479	VI. 223
1966	29	May	Decree, S. C. Consist.	58-519	VI. 422
1966	31	May	Address, Paul VI	58-515	VI. 214
1966	1	June	Alloc., Paul VI		VI. 217
1966	4	June	Address, Paul VI	58-513	VI. 221
1966	7	June	Alloc., Paul VI	58-506	VI. 441
1966	7	June	Ap. const., Paul VI	58-868	VI. 216
1966	10	June	Reply, Com. Cent.	60-361	VII. 131
1966	10	June	Replies, Com. Cent.	60-360	VII. 135
1966	11	June	Decree, S. C. Sem.	58-1195	VI. 362
1966	14	June	Alloc., Paul VI	58-509	VI. 441
1966	16	June	Alloc., Paul VI	58-512	VI. 215
1966	20	June	Alloc., Paul VI	58-512	VI. 208
1966	21	June	Ap. const., Paul VI	59-201	VI. 218
1966	22	June	Statement, Irish Bps.		VI. 734
1966	3	July	Alloc., Paul VI	58-635	VI. 216
1966	8	July	Alloc., Paul VI	58-640	VI. 507
1966	11	July	Alloc., Paul VI	58-649	VI. 763
1966	12	July	Alloc., Paul VI	58-645	VI. 441
1966	14	July	Letter, Paul VI	58-609	VI. 211
1966	14	July	Lecter, Paul VI	58-631	VI. 576
1966	17	July	Message, Paul VI	58-655	VI. 216
1966	24	July	Letter, S. C. Doct. Fid.	58-659	VI. 817
1966	28	Aug.	Letter, Paul VI	58-797	VI. 513

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1966	2	Sept.	Statement, N.C.W.C.		VI.221
1966	5	Sept.	Letter, Paul VI	58-750	VI. 361
1966	15	Sept.	Encyc., Paul VI	58-745	VI. 758
1966	15	Sept.	Message, Paul VI	58-911	VI. 223
1966	15	Sept.	Message, Paul VI	58-914	VI. 223
1966	29	Sept.	Letter, Paul VI.		VI.216
1966	30	Sept.	Alloc., Paul VI	58-884	VI. 441
1966	4	Oct.	Homily, Paul VI		VI.219
1966	6	Oct.	Ap. letter, Paul VI	58-130	VI. 446
1966	8	Oct.	Alloc., Paul VI	58-902	VI. 211
1966	13	Oct.	Alloc., Paul VI	58-1145	VI. 139
1966	14	Oct.	Alloc., Paul VI	58-1150	VI. 222
1966	24	Oct.	Alloc., Paul VI	58-1153	VI. 223
1966	24	Oct.	Const., Chicago		VI.307
1966	28	Oct.	Alloc., Paul VI	58-1155	VI. 440
1966	29	Oct.	Alloc., Paul VI	58-1162	VI. 442
1966	29	Oct.	Alloc., Paul VI	58-1166	VI. 209
1966	2	Nov.	Alloc., Paul VI	58-1170	VI. 219
1966	14	Nov.	Statement, N.C.C.B.		VI.764
1966	15	Nov.	Ap. const., Paul VI	59-480	VI. 218
1966	16	Nov.	Alloc., Paul VI	58-1172	VI. 442
1966	17	Nov.	Message, Paul VI	59-227	VI. 224
1966	17	Nov.	Letter, Belgium		VII.487
1966	18	Nov.	Alloc., Paul VI		VI.440
1966	19	Nov.	Alloc., Paul VI		VI.217
1966	21	Nov.	Dedar., S. C. Consist.		VII.208
1966	23	Nov.	Letter, Paul VI	59-29	VI. 306
1966	30	Nov.	Alloc., Paul VI	59-31	VI. 216
1966	1	Dec.	Alloc., Paul VI	58-1183	VI. 215
1966	3	Dec.	Alloc., Paul VI	59-34	VI. 223
1966	8	Dec.	Alloc., Paul VI	59-38	VI. 309
1966	12	Dec.	Alloc., Paul VI	59-44	VI. 215
1966	17	Dec.	Rescript, S. C. Rel		VII.642
1966	19	Dec.	Alloc., Paul VI	59-45	VI. 215
1966	22	Dec.	Address, Paul VI	59-75	VI. 210
1966	22	Dec.	Alloc., Paul VI	59-46	VI. 214
1966	22	Dec.	Alloc., Paul VI	59-47	VI. 224
1966	23	Dec.	Alloc., Paul VI	59-48	VI. 211
1966	23	Dec.	Alloc., Paul VI	59-56	VI. 306
1966	24	Dec.	Alloc., Paul VI	59-59	VI. 213
1966	25	Dec.	Message, Paul VI	59-157	VI. 222
1967	.		Formula, S. C. Doct. Fid.	59-1058	VI. 818
1967	.....		Norms, S. Pacn		VII.673
1967	.....		Statement, Cath,-Luth.		VII.612
1967	7	Jan.	Alloc., Paul VI	59-71	VI. 211
1967	12	Jan.	Alloc., Paul VI	59-131	VI. 478
1967	16	Jan.	Letter, Austrian Bps.		VI.305
1967	17	Jan.	Address, Paul VI	59-140	VI. 212
1967	18	Jan.	Alloc., Paul VI		VI.734
1967	19	Jan.	Alloc., Paul VI	59-141	VI. 223
1967	23	Jan.	Alloc., Paul VI	59-142	VI. 221
1967	23	Jan.	Reply, S. C. Rd.		VII.487
1967	25	Jan.	Alloc., Paul VI	59-149	VI. 209
1967	26	Jan.	Alloc., Paul VI	59-149	VI. 222

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1967	29	Jan.	Ap. letter, Paul VI	59-113	VI. 759
1967	30	Jan.	Alloc., Paul VI	59-151	VI. 216
1967	6	Feb.	Alloc., Paul VI	59-151	VI. 214
1967	*6	Feb.	Alloc., Paul VI	59-153	VI. 220
1967	8	Feb.	Ap. const., Paul VI	59-124	VI. 413
1967	15	Feb.	Letter, S. C. Doct. Fid.		VII. 593
1967	24	Feb.	Alloc., Paul VI	59-222	VI. 584
1967	1	March	Letter, Irish Bps.		VI. 413
1967	2	March	Alloc., Paul VI	59-224	VI. 223
1967	5	March	Alloc., Paul VI	59-338	VI. 214
1967	5	March	Letter, Paul VI	59-329	VI. 413
1967	5	March	Letter, Paul VI	59-769	VI. 214
1967	7	March	Alloc., Paul VI	59-339	VI. 478
1967	16	March	Alloc., Paul VI	59-346	VI. 222
1967	16	March	Guidelines, N.C.C.B.		VI. 734
1967	20	March	Alloc., Paul VI	59-348	VI. 219
1967	26	March	Encyc., Paul VI	59-257	VI. 212
1967	26	March	Message, Paul VI	59-356	VI. 212
1967	30	March	Alloc., Paul VI	59-349	VI. 208
1967	1	April	Alloc., Paul VI	59-395	VI. 217
1967	1	April	Alloc., Paul VI	59-397	VI. 217
1967	1	April	Letter, Paul VI	59-947	VI. 413
1967	3	April	Alloc., Paul VI	59-399	VI. 224
1967	7	April	Alloc., Paul VI	59-404	VI. 215
1967	9	April	Alloc., Paul VI	59-413	VI. 413
1967	12	April	Message, Paul VI	59-435	VI. 216
1967	15	April	Letter, Paul VI	59-484	VI. 213
1967	18	April	Alloc., Paul VI	59-416	VI. 306
1967	20	April	Alloc., Paul VI	59-421	VI. 306
1967	20	April	Alloc., Paul VI	59-423	VI. 209
1967	21	April	Alloc., Paul VI	59-427	VI. 222
1967	28	April	Address, Paul VI	59-431	VI. 218
1967	28	April	Alloc., Paul VI	59-493	VI. 305
1967	28	April	Letter, Paul VI	59-392	VI. 759
1967	29	April	Alloc., Paul VI	59-499	VI. 213
1967	1	May	Letter, Paul VI	59-489	VI. 363
1967	2	May	Message, Paul VI	59-517	VI. 810
1967	3	May	Alloc., Paul VI	59-502	VI. 213
1967	6	May	Alloc., Paul VI	59-505	VI. 810
1967	12	May	Alloc., Paul VI	59-515	VI. 765
1967	13	May	Alloc., Paul VI	59-593	VI. 213
1967	13	May	Exhort., Paul VI	59-465	VI. 758
1967	19	May	Alloc., Paul VI	59-513	VI. 758
1967	29	May	Statutes, S. C. Rel.		VII. 462
1967	6	June	Decree, S. C. Caer.		VII. 138
1967	10	June	Letter, S. C. Gent. Evang.		VII. 457
1967	17	June	Decree, S. C. Sacr.		VII. 905
1967	22	June	Alloc., Paul VI	59-775	VI. 441
1967	22	June	Alloc., Paul VI	59-779	VI. 440
1967	23	June	Alloc., Paul VI	59-781	VI. 441
1967	24	June	Encyc., Paul VI	59-657	VI. 210
1967	28	June	Faculty, S. Paen.	59-764	VI. 570
1967	5	July	Rescript, S. C. Rel.		VII. 102
1967	8	July	Alloc., Paul VI	59-708	VI. 798

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1967	25	July	Alloc., Paul VI	59-833	VI. 223
1967	25	July	Letter, Paul VI	59-852	VI. 734
1967	25	July	Decree, S. C. Consist.	59-985	VI. 311
1967	26	July	Alloc., Paul VI	59-850	VI. 212
1967	26	July	Consistory, Paul VI	59-705	VI. 310
1967	9	Aug.	Reply, S. C. Doct. Fid.		VII. 764
1967	15	Aug.	Message, Paul Vi	59-867	VI. 219
1967	20	Aug.	Alloc., Paul VI	59-862	VI. 209
1967	22	Aug.	Decree, S. C. Sacr.		VII. 905
1967	26	Aug.	Alloc., Paul VI	59-860	VI. 441
1967	29	Aug.	Alloc., Paul VI		VI. 215
1967	30	Aug.	Alloc., Paul VI	59-864	VI. 222
1967	. .	Sept.	Alloc., Paul VI	59-960	VI. 442
1967	7	Sept.	Faculties, S. C. Gent. Evan?.		VII. 72
1967	20	Sept.	Rescript, S. C. Rel.		VII. 101
1967	22	Sept.	Interp., S. C. Rit.		VII. 25
1967	29	Sept.	Alloc., Paul VI	59-963	VI. 412
1967	30	Sept.	Alloc., Paul VI	59-969	VI. 412
1967	30	Sept.	Decree, S. C. Rel.		VII. 459
1967	30	Sept.	Rescript, S. C. Gent. Evang.		VII. 699
1967	12	Oct.	Message, Paul VI	59-1056	VI. 217
1967	20	Oct.	Message, Paul VI	59-1073	VI. 208
1967	22	Oct.	Message, Paul VI	59-980	VI. 765
1967	26	Oct.	Alloc., Paul VI	59-1048	VI. 734
1967	28	Oct.	Alloc., Paul VI	59-1053	VI. 734
1967	16	Nov.	Statement, N.C.C.B.		VI. 798
1967	28	Nov.	Rescript, S. C. Sacr.		VII. 648
1967	8	Dec.	Message, Paul VI	59-1097	VI. 220
1967	23	Dec.	Message, Paul VI	60-39	VII. 127
1967	25	Dec.	Message, Paul VI	60-44	VII. 127
1967	30	Dec.	Induit, S. C. Gent. Evang.		VII. 932
1968			Norms, S. C. Rel.		VII. 556
1968	1	Jan.	Faculties, S. C. Episc.		VII. 74
1968	10	Jan.	Rescript, S. Paen.		VII. 681
1968	20	Jan.	Rescript, S. C. Rit.		VII. 61
1968	21	Jan.	Address, Card. Antoniutti		VII. 454
1968	21	Jan.	Pastoral, N.C.C.B.		VII. 833
1968	22	Jan.	Alloc., Paul VI	60-199	VII. 457
1968	23	Jan.	Norms, Cone. Com. Lit.		VII. 61
1968	31	Jan.	Norms, S. C. Cler.		VII. 487
1968	3	Feb.	Reply, S. C. Rit.		VII. 614
1968	5	Feb.	Reply, Com. Vat. II Interp.	60-361	VII. 289
1968	5	Feb.	Reply, Com. Vat. II Interp.	60-362	VII. 131
1968	5	Feb.	Reply, Com. Vat. II Interp.	60-362	VII. 132
1968	9	Feb.	Ap. const., Paul VI	60-547	VII. 25
1968	12	Feb.	Alloc., Paul VI	60-202	VII. 933
1968	14	Feb.	Rescript, S. C. Sacr.		VII. 648
1968	22	Feb.	Regulations, Sec. St.	60-129	VII. 147
1968	26	Feb.	Instr., S. C. Gent. Evang.		VII. 225
1968	2	March	Ap. const., Paul VI	60-705	VII. 125
1968	2	March	Letter, Ap. Del. U.S.		VII. 511
1968	4	March	Directives, Germany		VII. 648
1968	5	March	Statement, Cath.-Jew.		VII. 820
1968	25	March	Letter, Sec. St.		VII. 63

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1968 25 March	Statutes, Sec. St.		VII. 580
1968 25 March	Norms, Sig. Apost.		VII. 246
1968 25 March	Decree, S. C. Episc.	60-531	VII. 392
1968 26 March	Reply, Com. Vat. II Interp.	60-363	VII. 133
1968 27 March	Statutes, Sec. St.		VII. 579
1968 28 March	*Motu proprto,* Paul VI	60-305	VII. 314
1968 9 April	Concordat, Sec. St.	60-780	VII. 62
1968 9 April	Formula, S. C. Rit.		VII. 26
1968 14 April	Message, Paul VI	60-276	VII. 127
1968 24 April	Reply, Sig. Apost.		VII. 938
1968 25 April	Alloc., Paul VI	60-326	VII. 129
1968 25 April	Statement, N.C.C.B.		VII. 833
1968 .. May	Letter, S. C. Rel.		VII. 554
1968 6 May	Faculty, Cone. Com. Lit.		VII. 34
1968 7 May	Reply, S. C. Sacr.		VII. 272
1968 8 May	Alloc., Paul VI	60-332	VII. 126
1968 15 May	Notif., Italy		VII. 553
1968 20 May	Norms, S. C. Inst. Cath.	.....	VII. 884
1968 20 May	Norms, S. C. Inst. Cath.	.....	VII. 886
1968 21 May	Reply, S. C. Pub. Eccl. Neg.	.....	VII. 134
1968 21 May	Decision, Sig. Apost.		VII. 274
1968 23 May	Letter, S. C. Inst. Cath.		VII. 861, 868
1968 23 May	Decree, S. C. Rit.		VII. 27
1968 24 May	Reply, Sig. Apost.		VII. 273
1968 25 May	Alloc., Paul VI	60-337	VII. 63
1968 29 May	Alloc., Paul VI	60-387	VII. 456
1968 29 May	Alloc., Paul VI	60-388	VII. 455
1968 30 May	Letter, Paul VI	60-450	VII. 455
1968 1 June	Decision, Rota		VII. 743
1968 2 June	Message, Paul VI	60-399	VII. 861
1968 2 June	Guidelines, Cone. Com. Lit.		VII. 28
1968 2 June	Letter, Cone. Com. Lit.		VII. 290
1968 2 June	Guidelines, Sec. Christ. Unit.		VII. 890
1968 6 June	Decree, S. C. Rit.	60-536	VII. 28
1968 11 June	Alloc., Paul VI	60-389	VII. 180
1968 15 June	Alloc., Paul VI	60-393	VII. 179
1968 18 June	Ap. const., Paul VI	60-369	VII. 700
1968 20 June	Faculty, Cone. Com. Lit.		Vll. 34
1968 21 June	Instr., S. C. Rit.	60-406	VII. 376
1968 21 June	*Motu proprio,* Paul VI	60-374	VII. 373
1968 29 June	Decree, S. Pacn.	60-41 3	VII. 675
1968 30 June	Message, Paul VI	60-466	VII. 131
1968 30 June	*Motu proprio,* Paul VI	60-377	VII. 890
1968 30 June	Prof, of faith, Paul VI	60-433	VII. 131
1968 1 July	Decision, Rota		VII. 943
1968 11 July	Concordat, Sec. St.	60-382	VII. 62
1968 11 July	Reply, S. C. Doct. Fid.		VII. 664
1968 11 July	Resol., Sig. Apost.		VII. 929
1968 19 July	Letter, Paul VI	60-525	VII. 455
1968 24 July	Concordat, Sec. St.	63-212	VII. 63
1968 25 July	Encyc., Paul VI	60-481	VII. 128
1968 25 July	Decision, Sig. Apost.		VII. 275
1968 27 July	Letter, Paul VI		VII. 456
1968 29 July	Decree, S. C. Pub. Eccl. Neg.	60-578	VII. 229

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1968	31	July	Alloc., Paul VI	60-527	VII. 128
1968	2	Aug.	Faculties, Vic. Rom.		VII. 666
1968	5	Aug.	Rescript, S. C. Gent. Evang.		VII. 461
1968	6	Aug.	Message, Paul VI	60-570	VII. 129
1968	8	Aug.	Letter, Paul VI	60-563	VII. 454
1968	12	Aug.	Reply, Sec. St.		VII. 935
1968	15	Aug.	Decree, S. C. Rit.		VII. 704
1968	22	Aug.	Allocs., Paul VI	60-609	VII. 126
1968	24	/Xug.	Alloc., Paul VI	60-654	VII. 126
1968	28	Aug.	Ap. letter, Paul VI	60-708	VII. 832
1968	28	Aug.	Instr., Sec. Non-Cred.	60-692	VII. 780
1968	30	Aug.	Message, Paul VI	60-573	VII. 128
1968	30	Aug.	Reply, S. C. Sacr.		VII. 689
1968	3	Sept.	Reply, S. C. Doct. Fid.		VII. 764
1968	7	Sept.	Reply, S. C. Sacr.		VII. 768
1968	12	Sept.	Letter, Paul VI	60-661	VII. 868
1968	12	Sept.	Instr., S. C. Rit.	60-602	VII. 32
1968	14	Sept.	Alloc., Paul VI	60-663	VII. 454
1968	18	Sept.	Alloc., Paul VI	60-711	VII. 824
1968	20	Sept.	Decree, Jamaica		VII. 667
1968	25	Sept.	Alloc., Paul VI	60-568	VII. 238
1968	25	Sept.	Letter, Ap. Del. U.S.		VII. 689
1968	. .	Oct.	Notes, Sec. Christ. Unit.		VII. 794
1968	3	Oct.	Reply, S. C. Gent. Evang.		VII. 486
1968	5	Oct.	Proposal, C.L.S.A.		VII. 91
1968	7	Oct.	Concordat, Sec. St.	61-163	VII. 62
1968	7	Oct.	Concordat, Sec. St.	60-782	VII. 62
1968	8	Oct.	Rescript, S. C. Episc.	60-764	VII. 932
1968	14	Oct.	Alloc., Paul VI	60-732	VII. 61
1968	14	Oct.	Alloc., Paul VI	60-737	VII. 455
1968	14	Oct.	Alloc., Paul VI	60-741	VII. 456
1968	15	Oct.	Declar., Com. Card.	60-685	VII. 839
1968	17	Oct.	Decision, Rota		VII. 3
1968	18	Oct.	Message, Paul VI	60-758	VII. 457
1968	18	Oct.	Declar., S. C. Rit.		VII. 778
1968	21	Oct.	Alloc., Paul VI	60-744	VII. 455
1968	30	Oct.	Alloc., Paul VI		VII. 131
1968	. .	Nov.	Norms, Sig. Apost.		VII. 176
1968	1	Nov.	Ap. letter, Paul VI	61-158	VII. 285
1968	6	Nov.	Declar., Cone. Com. Lit.		VII. 33
1968	11	Nov.	Alloc., Paul VI	60-790	VII. 455
1968	13	Nov.	Alloc., Paul VI	60-794	VII. 238
1968	15	Nov.	Pastoral, N.C.C.B.		VII. 833
1968	23	Nov.	Alloc., Paul VI	60-805	VII. 129
1968	26	Nov.	Reply, S. C. Gent. Evang.		VII. 931
1968	28	Nov.	Reply, S. C. Gent. Evang.		VII. 649
1968	2	Dec.	Reply, S. C. Episc.		VII. 391
1968	4	Dec.	Message, Paul VI	61-60	VII. 128
1968	4	Dec.	Faculty, Cone. Com. Lit.		VII. 34
1968	8	Dec.	Message, Paul VI	60-769	VII. 129
1968	9	Dec.	Faculty, Cone. Com. Lit.		VII. 34
1968	11	Dec.	Rescript, S. C. Rit.		VII. 61
1968	13	Dec.	Declar., Golconda		VII. 580
1968	13	Dec.	Faculty, S. C. Eccl. Or.		VII. 9

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1968	18	Dec.	Reply, S. C. Doct. Fid.		VII. 765
1968	20	Dec.	Message, Paul VI	61-53	VII. 127
1968	21	Dec.	Reply, S. C. Rit.		VII. 62
1968	23	Dec.	Message, Paul VI	61-34	VII. 127
1969	.....		Declar., Cone. Com. Lit.		VII. 34
1969	.....		Faculties, India		VII. 75
1969	.....		Forms, S. C. Gent. Evang.		VII. 852
1969	.....		Formula, S. C. Cler.		VII. 1023
1969	.....		Formula, S. C. Doct. Fid.		VII. 749
1969	1	Jan.	Alloc., Paul VI	61-80	VII. 129
1969	6	Jan.	Instr., S. C. Rel.	61-103	VII. 489
1969	9	Jan.	Statement, Missouri Bps.		VII. 886
1969	10	Jan.	Letter, Paul VI	61-169	VII. 830
1969	14	Jan.	Faculty, S. C. Gent. Evang.		VII. 35
1969	14	Jan.	Reply, S. C. Rel.		VII. 528
1969	16	Jan.	Alloc., Paul VI		Vll. 130
1969	16	Jan.	Alloc., Paul VI	61-95	VII. 127
1969	18	Jan.	Letter, Ap. Nuncio Haiti		VII. 932
1969	18	Jan.	Reply, Ap. Nuncio Haiti		VII. 930
1969	25	Jan.	Instr., Cone. Com. Lit.		VII. 636
1969	25	Jan.	Norms, Cone. Com. Lit.		VII. 636
1969	27	Jan.	Alloc., Paul VI	61-174	VII. 901
1969	2	Feb.	Ap. letter, Paul VI	61-137	VII. 127
1969	2	Feb.	Letter, Sec. St.		VII. 92
1969	7	Feb.	Letter, Ap. Del. U.S.		VII. 9
1969	8	Feb.	St. Louis Archdioc.		VII. 391
1969	14	Feb.	Alloc., Paul VI	61-182	VII. 127
1969	14	Feb.	*Motu proprio,* Paul VI	61-222	VII. 61
1969	17	Feb.	Alloc., Paul VI	61-187	VII. 688
1969	18	Feb.	Report, Missouri Lutheran		VII. 886
1969	21	Feb.	Ap. const., Paul VI	61-606	VII. 25
1969	21	Feb.	Ap. const., Paul VI	61 -607	VII. 25
1969	24	Feb.	Instr., S. C. Gent. Evang.	61-276	VII. 839
1969	24	Feb.	Instr., S. C. Gent. Evang.	61-281	Vll. 845
1969	2	March	Alloc., Paul VI	61-242	VII. 130
1969	6	March	Alloc., Paul VI	61-243	Vll. 455
1969	6	March	Ap. const., Paul VI	61-761	Vll. 392
1969	10	March	Letter, S. C. Doct. Fid.		Vll. 1020
1969	18	March	Letter, S. C. Gent. Evang.		VII. 508
1969	19	March	/Xnnouncement, Paul VI	61-249	VII. 126
1969	19	March	Message, Paul VI	61-330	VII. 454
1969	19	March	*Motu proprio,* Paul VI	61-149	VII. 1015
1969	19	March	Decree, S. C. Rit.		VII. 763
1969	21	March	Decree, S. C. Rit.		VII. 61
1969	21	March	Induit, S. C. Rel.		VII. 546
1969	27	March	Alloc., Paul VI	61-253	VII. 884
1969	27	March	Alloc., Paul VI	61-256	VII. 238
1969	27	March	Letter, Sec. St.		Vll. 418
1969	28	March	Alloc., Paul VI	61-259	Vll. 820
1969	29	March	Alloc., Paul VI	61-262	VII. 457
1969	31	March	Alloc., Paul VI	61-266	VII. 456
1969	31	March	Instr., Sec. St.	61-334	VII. 137
1969	2	April	Alloc., Paul VI	61-267	Vll. 130
1969	3	April	Ap. const., Paul VI	61-217	VII. 617

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1969	3 April	Homily, Paul VI	61-238	Vll. 128
1969	4 April	Reply, Com. Vat. II Interp.	61-348	VII. 133
1969	6 April	Message, Paul VI	61-270	VII. 127
1969	6 April	Decree, S. C. Rit.		VII. 620
1969	7 April	Message, Paul VI	61-455	VII. 889
1969	9 April	Decision. Ottawa		VII. 1086
1969	14 April	Letter, Sec. St.		VII. 136
1969	14 April	Statement, N.C.C.B.		VII. 833
1969	15 April	*Motu proprio,* Paul VI	61-226	VII. 146
1969	16 April	Alloc., Paul VI	61-309	VII. 127
1969	21 April	Alloc., Paul VI	61-316	VII. 456
1969	25 April	Decree, Cone. Com. Lit.		VIL 62
1969	26 April	Alloc., Paul VI	61-323	VII. 886
1969	28 April	Alloc., Paul VI	61-425	VII. 145
1969	28 April	Consistory, Paul VI	61-393	VII. 145
1969	29 April	Concordat, Sec. St.	62-157	VII. 62
1969	30 April	Directory, S. C. Cler.	61-361	VII. 394
1969	8 May	Ap. const., Paul VI	61-297	VII. 238
1969	15 May	Decree, S. C. Cult. Div.	61-548	Vll. 594
1969	15 May	Instr., S. C. Cult. Div.	61-806	VII. 637
1969	25 May	Decree, S. C. Cult. Div.	61-548	Vll. 621
1969	26 May	Resol., Sig. Apost.		VII. 1001
1969	29 May	Instr., S. C. Cult. Div.	61-541	VII. 652
1969	31 May	Letter. S. C. ReL		VII. 547
1969	1 June	Rescript, S. C. Cult. Div.		VII. 636
1969	10 June	Rescript, S. C. Cult. Div.		VII. 687
1969	22 June	Decree, Paul VI	62-145	Vll. 831
1969	24 June	*Motu proprio,* Paul VI	61-473	VII. 277
1969	24 June	Order, S. C. Pub. Eccl. Neg.	61-525	VIL 322
1969	24 June	Statement, Episc. Conf. Afr.		VII. 100
1969	25 June	Alloc., Paul VI	61-523	VII. 455
1969	27 June	Reply, S. C. Sacr.		VIL 649
1969	26 June	Rescript, S. C. Sacr.		VII. 766
1969	29 June	Instr., S. C. Cult. Div.		VII. 36
1969	3 July	Reply, Com. Vat. II Interp.	61-551	Vll. 133
1969	5 July	Letter. S. C. Gent. Evang.		VII. 689
1969	9 July	Reply, S. C. Doct. Fid.		VII. 750
1969	10 July	Decree, S. C. Cult. Div.	61-549	VII. 595
1969	10 July	Letter Ad. Del. Canada		VII. 752
1969	12 July	Statutes, S. C. Doct. Fid.	61-540	VII. 180
1969	15 July	Circ letter S C. Sem.		Vll. 882
1969	16 July	Alloc., Paul VI		Vll. 126
1969	20 July	Alloc., Paul VI		Vll. 126
1969	21 July	Message, Paul VI	61-592	VII. 126
1969	22 July	Decision, Rota		VII. 709
1969	24 July	Declar., S. C. Inst. Cath.		Vll. 616
1969	25 July	Instr., S. C. Cult. Div.		VII. 622
1969	28 July	Trip, Paul VI	61-568	VII. 125
1969	31 July	Letter, S. C. Sacr.		Vll. 224
1969	31 July	Letter, Sig. Apost.		Vll. 275
1969	8 Aug.	*Motu proprio,* Paul VI	61-553	Vll. 284
1969	8 Aug.	Regulations, Detroit		Vll. 777
1969	15 Aug.	*Motu proprio,* Paul VI	61-601	Vll. 188
1969	15 Aug.	Decree, S. C. Cult. Div.		Vll. 777

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1969	22	Aug.	Instr., S. C. Episc.	61-614	VII. 190
1969	30	Aug.	Reply, S. C. Rel.		VII. 531
1969	28	Sept.	Statutes, Or. C. L. S.		VII. 25
1969	4	Oct.	Alloc., Paul VI	61-709	VII. 129
1969	5	Oct.	Reply, S. C. Rel.		VII. 467
1969	6	Oct.	Alloc., Paul VI	61-713	VII. 188
1969	7	Oct.	Exhort., Paul VI	61-649	VII. 831
1969	11	Oct.	Alloc., Paul VI	61-716	VII. 366
1969	15	Oct.	Alloc.. Paul VI		VII. 366
1969	16	Oct.	Ap. letter, Paul VI	62-96	VII. 289
1969	20	Oct.	Instr., S. C. Cult. Div.	61-749	VII. 624
1969	24	Oct.	Reply, S. C. Sacr.		VII. 987
1969	25	Oct.	Alloc., Paul VI	61-723	VII. 366
1969	26	Oct.	Alloc.. Paul VI		VII. 366
1969	27	Oct.	Alloc., Paul VI	61-726	VII. 366
1969	. .	Nov.	Statement, N.C.C.B.		VII. 833
1969	4	Nov.	Letter, S. C. Clcr.	62-123	VII. 868
1969	10	Nov.	Letter, S. C. Cult. Div.		VII. 630
1969	12	Nov.	Concordat, Sec. St.	62-499	VII. 62
1969	13	Nov.	Statement, N.C.C.B.		VII. 100
1969	18	Nov.	Declar., S. C. Cult. Div.		VII. 630
1969	18	Nov.	Guidelines, Cath.-Iew.		VII. 820
1969	19	Nov.	Ap. letter, Paul VI	62-204	VII. 832
1969	22	Nov.	Alloc., Paul VI	61-782	VII. 484
1969	25	Nov.	Norms, S. C. Rel.		VII. 563
1969	27	Nov.	Decree, S. C. Rel.	61-738	VII. 77
1969	27	Nov.	Instr., S. C. Rel.	61-739	VII. 468
1969	30	Nov.	Message, Paul VI	61-794	VII. 129
1969	6	Dec.	Decree, S. C. Episc.	62-120	VII. 78
1969	8	Dec.	Alloc., Paul VI	61-788	VII. 137
1969	11	Dec.	Norms. Cath.-Iew.		VII. 820
1969	24	Dec.	Letter, Paul VI	62-66	VII. 128
1969	25	Dec.	Message, Paul VI	62-63	VII. 127
1969	27	Dec.	Statement, C. B. L.		VII. 580
1970	.....		Norms, C.B.C.I.		VII. 725
1970	.....		Norms, S. C. Rel.		VII. 458
1970	.....		Statement, N.C.C.B.		VII. 833
1970	.....		Statement, Rhodesia		VII. 833
1970	1	Jan.	Prayer, Paul VI		VII. 129
1970	2	Jan.	Letter, S. C. Rel.		VII. 542
1970	4	Jan.	Address, Sec. S. C. Rel.		VII. 485
1970	5	Jan.	Alloc., Paul VI	62-508	VII. 889
1970	6	Jan.	Program, S. C. Inst. Cath.	62-321	VII. 883
1970	7	Jan.	Declar., Sec. Christ. Unit.	62-184	VII. 796
1970	10	Jan.	Induit, S. C. Clcr.		VII. 778
1970	16	Jan.	Statement, Anglo-R.C.		VII 819
1970	17	Jan.	Reply, S. C. Rel.		VII. 526
1970	19	Jan.	Statement, Netherlands		VII. 100
1970	20	Jan.	Alloc., Paul VI	62-106	VII. 71
1970	20	Jan.	Induit, S. C. Sacr.		VII 616
1970	20	Jan.	Letter. Ap. Nuncio Canada		VII. 935
1970	21	Jan.	Letter, S. C. Doct. Fid.		VII 1021
1970	22	Jan.	Rescript, Sig. Apost.		VII. 933

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1970	29	Jan.	Alloc., Paul VI	62-111	VII. 933
1970	2	Feb.	Letter, Paul VI	62-98	VII. 95
1970	2	Feb.	Declar., S. C. Rel.	.....	VII. 529
1970	2	Feb.	Decree, S. C. Cult. Div.	62-553	VII. 515
1970	5	Feb.	Statement, Inter-Amer.		VII. 833
1970	6	Feb.	Norms, S. C. Cult. Div.		VII. 37
1970	9	Feb.	Alloc., Paul VI	62-165	VII. 128
1970	11	Feb.	Alloc., Paul VI	62-170	VII. 128
1970	17	Feb.	Induit, S. C. Rel.		VII. 510
1970	26	Feb.	Letter, S. C. Rel.		VII. 535
1970	10	March	Rescript, S. C. Sacr.		VII. 38
1970	12	March	Letter, S. C. Rel.	.....	VII. 420
1970	15	March	Message, Paul VI	62-308	VII. 454
1970	19	March	*Motu proprio,* Paul VI	62-193	VII. 220
1970	20	March	Alloc., Paul VI	62-213	VII. 179
1970	25	March	Alloc., Paul VI	62-216	VII. 131
1970	25	March	Declar., S. C. Eccl.Or.	62-179	VII. 9
1970	26	March	Homily, Paul VI	62-209	VII. 128
1970	26	March	Decree, S. C. Cult. Div.	62-554	VII. 632
1970	29	March	Message, Paul VI	62-228	VII. 127
1970	31	March	*Motu proprio,* Paul VI	62-257	VII. 711
1970	3	April	Decree, S. C. Caus. Sanct.	62-554	VII. 1022
1970	4	April	Alloc., Paul VI	62-220	VII. 130
1970	5	April	Statement, C.L.S.A.		VII. 373
1970	6	April	Alloc., Paul VI	62-224	VII. 824
1970	7	April	Reply, S. C. Doct. Fid.		VII. 771
1970	8	April	Alloc., Paul VI	62-270	VII. 131
1970	9	April	Statement, C.C.C.		VII. 832
1970	10	April	Alloc., Paul VI	62-272	VII. 62
1970	11	April	Letter, S. C. Clcr.	62-459	VII. 383
1970	16	April	Norms, Sec. Christ. Unit.	62-705	VII. 801
1970	16	April	Reply, S. C. Rel.		VII. 531
1970	17	April	Declar., Ap. Del. U.S.		VII. 469
1970	21	April	Letter, S. C. Doct. Fid.		VII. 1019
1970	22	April	Statement, N.C.C.B.		VII. 833
1970	23	April	Alloc., Paul VI	62-293	VII. 289
1970	25	April	Decision, Rota		VII. 3
1970	28	April	Rescript, S. C. Pub. Eccl. Neg.	.....	VII. 950
1970	..	May	Declar., S. C. Cult. Div.	.....	VII. 39
1970	4	May	Alloc., Paul VI	62-428	VII. 706
1970	4	May	Declar., S. C. Caus. Sanct.	62-555	VII. 831
1970	8	May	Alloc., Paul VI	62-438	VII. 131
1970	9	Mav	Alloc., Paul VI	62-439	VII. 820
1970	10	Mav	Decree, Paul VI	62-801	VII. 831
1970	10	May	Homily, Paul VI	62-394	VII. 831
1970	12	May	Declar., Paul Vl-Vasken	62-416	VII. 820
1970	15	May	Address, Paul VI		VII. 366
1970	15	May	Alloc., Paul VI		VII. 100
1970	17	May	Notif., S. C. Cult. Div.		VII. 61
1970	17	May	Report, S. C. Gent. Evang.		VII. 237
1970	26	May	Reply, S. C. Doct.		VII. 771
1970	31	May	Decree, S. C. Cult. Div.	62-650	VII. 421
1970	..	June	Letter, Bp. Santander		VII.1021
1970	..	June	Statement, Episc. Conf. Tanz.	.....	VII. 100

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1970	3	June	Concordat, Sec. St.	62-499	VII. 62
1970	4	June	Dcclar., S. C. Rel.	62-548	VII. 536
1970	4	June	Decree, S. C. Rel.	62-549	VII. 80
1970	5	June	Message, Paul VI	62-543	VII. 861
1970	5	June	Norms, C.C.C.		VII 718
1970	8	June	Message, Paul VI	62-632	VII. 128
1970	13	June	Letter, S. C. Rel.		VII. 543
1970	17	June	Reply, Sig. Apost.		VII. 741
1970	19	June	Rescript, S. Paen.		VII. 1027
1970	20	June	Ap. const., Paul VI	63-196	VII. 125
1970	22	June	Rescript, S. C. Rel.		VII. 545
1970	23	June	Rescript, Sig. Apost.		VII. 937
1970	24	June	Instr., S. C. Cult. Div.	62-651	VII. 61
1970	24	June	Notif., Vic. Rome		VII. 599
1970	26	June	Rescript, S. C. Doct. Fid.		VII. 771
1970	27	June	Alloc., Paul VI	62-525	VIL 130
1970	29	June	Instr., S. C. Cult. Div.	62-664	VIL 659
1970	3	July	Norms, Ireland		VII. 779
1970	13	July	Reply, S. C. Doct. Fid.		VII. 592
1970	15	July	Address, Card. Willebrand		VII. 821
1970	15	July	Guidelines, S. C. Cult. Div.		VII. 522
1970	15	July	Letter, S. C. Cult. Div.		VII. 521
1970	16	July	Letter, Paul VI	63-268	VII. 832
1970	19	July	Reply, Com. Vat. II Interp.	62-571	VII. 337
1970	19	July	Reply, Com. Vat. II Interp.	62-571	VII. 752
1970	25	July	Decree, S. C. Cler.	63-943	VII. 393
1970	3	Aug.	Letter, Card. Carberry		VII. 544
1970	10	Aug.	Statement, Africa		VII. 832
1970	15	Aug.	Suggest., Sec. Christ. Unit.		VII. 820
1970	19	Aug.	Reply, S. C. Cult. Div.		VII. 599
1970	..	Sept.	Resol., W.C.F.C.		VII. 832
1970	..	Sept.	Statement, C.C.C.		VII. 832
1970	1	Sept.	Norms, S.A.C.B.C.		VII. 727
1970	5	Sept.	Alloc., Paul VI	62-599	VII. 127
1970	5	Sept.	Instr., S. C. Cult. Div.	62-692	VII. 40
1970	14	Sept.	Letter, Paul VI	62-587	VII. 322
1970	15	Sept.	Declar., India		VII. 91
1970	16	Sept.	Norms, Switzerland		VII. 741
1970	17	Sept.	Alloc., Paul VI	62-609	VII. 129
1970	17	Sept.	Concordat, Sec. St.	62-821	VII. 62
1970	21	Sept.	Statement, Anglo-R.C.		VII. 819
1970	23	Sept.	Norms. Germany		VII. 740
1970	26	Sept.	Alloc., Paul VI	62-619	VII. 456
1970	27	Sept.	Ap. letter, Paul VI	63-185	VII. 831
1970	27	Sept.	Homily, Paul VI	62-590	VII. 831
1970	28	Sept.	Alloc., Paul VI	62-625	VII. 130
1970	30	Sept.	Alloc., Paul VI	62-627	VII. 454
1970	30	Sept.	Decree, S. C. Cult. Div.	63-710	VII. 636
1970	..	Oct.	Norms, France		VII. 740
1970	..	Oct.	Norms, Ireland		VII. 729
1970	4	Oct.	Ap. letter, Paul VI	63-674	VII. 831
1970	4	Oct.	Homily, Paul VI	62-673	VII. 831

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1970	4	Oct.	Message, Paul VI	62-683	VII. 130
1970	12	Oct.	Letter, S. C. Rel.		VII. 591
1970	12	Oct.	Norms, Belgium		VII. 740
1970	15	Oct.	Induit, S. C. Eccl. Or.		VII. 509
1970	21	Oct.	Decision, Rota		VII. 11
1970	25	Oct.	Decree, Paul VI	64-257	VII. 831
1970	25	Oct.	Homily, Paul VI	62-745	VII. 831
1970	28	Oct.	Norms, France		VII. 663
1970	29	Oct.	Alloc., Paul VI	62-765	VII. 484
1970	30	Oct.	Letter, S. C. Cler.	63-314	VII. 382
1970	31	Oct.	Reply, Com. Vat. II Interp.	62-793	VII. 292
1970		Nov.	Ap. const., Paul VI	63-527	VII. 102
1970		Nov.	Notif., Bp. Piacenza		VII. 1022
1970	7	Nov.	Alloc., Paul VI	62-771	VII. 224
1970	7	Nov.	Rescript, S. C. Sacr.		VII. 967
1970	9	Nov.	Decree, S. C. Cult. Div.	63-710	VII. 554
1970	10	Nov.	Rescript, Sig. Apost.		VII. 967
1970	14	Nov.	Alloc., Paul VI	62-827	VII. 579
1970	14	Nov.	Message, Paul VI	63-5	VII. 129
1970	16	Nov.	Norms, N.C.C.B.		VII. 730
1970	18	Nov.	Decree, N.C.C.B.		VII. 663
1970	21	Nov.	*Motu proprio,* Paul VI	62-810	VII. 143
1970	24	Nov.	Address, Pref. S. C. Rel.		VII. 484
1970	25	Nov.	Letter, Card. Villot		VII. 831
1970	28	Nov.	Decision, Sig. Apost.		VII. 14
1970	3	Dec.	Decree, S. C. Cult. Div.	63-711	VII. 590
1970	3	Dec.	Induit, S. C. Sacr.		VII. 665
1970	3	Dec.	Letter, Sec. Christ. Unit.		VII. 597
1970	8	Dec.	Exhort., Paul VI	63-97	VII. 137
1970	8	Dec.	Decree, S. C. Rel.	63-318	VII. 531
1970	9	Dec.	Faculty, S. C. Cult. Div.		VII. 830
1970	10	Dec.	Faculty, S. C. Cult. Div.		VII. 53
1970	16	Dec.	Reply, S. C. Doct. Fid.		VII. 771
1970	19	Dec.	Ap. const., Paul VI	63-721	VII. 125
1970	19	Dec.	Decree, S. C. Episc.		VII. 293
1970	19	Dec.	Statement, Muslim-Christ.		VII. 820
1970	25	Dec.	Message, Paul VI	63-148	VII. 127
1970	28	Dec.	Letter, Sig. Apost.	63-480	VII. 913
1970	28	Dec.	Norms, Sig. Apost.	63-486	VII. 920
1971			Faculties, S. C. Gent. Evang.		VII. 82
1971			Faculties, S. C. Gent. Evang.		VII. 285
1971			Norms, Italy		VII. 741
1971	2	Jan.	Rescript, Sig. Apost.		VII. 926
1971	2	Jan.	Rescript, Sig. Apost.		VII. 968
1971	4	Jan.	Rescript, Sig. Apost.		VII. 998
1971	11	Jan.	Replies, Com. Vat. II Interp.	63-329	VII. 178
1971	11	Jan.	Reply, Com. Vat. II Interp.	63-329	VII. 633
1971	11	Jan.	Rescript, S. C. Cler.		VII. 393
1971	13	Jan.	Letter. S. C. Doct. Fid	63-309	VII. 117
1971	13	Jan.	Norms, S. C. Doct. Fid.	63-303	VII. 110
1971	13	Jan.	Rescript, S. C. Cult. Div.		VII. 53
1971	15	Jan.	Regul., S. C. Doct. Fid.	63-234	VII. 181
1971	16	Jan.	Letter, S. C. Eccl. Or.		VII. 16

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1971	18	Jan.	Program, S. C. Inst. Cath.		VII. 884
1971	20	Jan.	Letter, Sig. Apost.		Vll. 14
1971	21	Jan.	Statement, W.C.C.		VII. 821
1971	28	Jan.	Alloc., Paul VI	63-135	VII. 933
1971	1	Feb.	Dedar., S. C. Inst. Cath.	63-250	VII. 887
1971	8	Feb.	Letter, Paul VI		VII. 820
1971	9	Feb.	Letter, S. C. Inst. Cath.		VII. 888
1971	20	Feb.	Faculty, S. C. Cult. Div.		VII. 658
1971	23	Feb.	Reply, S. C. Doct. Fid.		VII. 771
1971	23	Feb.	Report, N.C.C.B.		VII. 698
1971	24	Feb.	Message, Paul VI	63-229	VII. 130
1971	27	Feb.	Alloc., Paul VI	63-225	VII. 130
1971	27	Feb.	Decree, S. C. Gent. Evang.	63-244	VII. 125
1971	4	March	Rescript, Sig. Apost.	.....	VII. 927
1971	8	March	Concordat, Sec. St.	64-478	VII. 62
1971	9	March	Reply, S. C. Doct. Fid.	.....	VII. 771
1971	9	March	Rescript, S. C. Sacr.	.....	VII. 651
1971	12	March	Message, Paul VI	63-375	VII. 454
1971	15	March	Alloc., Paul VI	63-278	VII. 889
1971	18	March	Alloc., Paul VI	63-282	VII. 238
1971	20	March	Alloc., Paul VI	63-286	VII. 179
1971	21	March	Letter, Pat. Athenagoras	.....	VII. 820
1971	25	March	Alloc., Paul VI	63-292	VII. 313
1971	25	March	Message, Paul VI	63-468	VII. 889
1971	27	March	Faculty, S. C. Cult. Div.	.....	VII. 658
1971	28	March	*Motu proprio,* Paul VI	63-441	VII. 969
1971	1	April	Letter, B-R.B.C.	.....	VII. 16
1971	6	April	Decision, Sig. Apost.	.....	VII. 939
1971	8	April	Homily, Paul VI	63-273	VII. 128
1971	11	April	Message, Paul VI	63-300	VII. 127
1971	11	April	Decree, S. C. Cult. Div.	63-712	VII. 110
1971	11	April	Directory, S. C. Cler.	64-97	VII. 834
1971	11	April	Letter, S. C. Cler.	63-315	VII. 821
1971	18	April	Letter, Paul VI	63-447	VII. 455
1971	22	April	Letter, S. C. Inst. Cath.		VII. 880
1971	24	April	Directives, S. C. Gent. Evang.	.....	VII. 230
1971	24	April	Rescript, Sig. Apost.		VII. 927
1971	1	May	Message, Paul VI	63-471	VII. 831
1971	1	May	Rescript, S. C. Cult. Div.		VII. 633
1971	3	May	Reply, S. C. Rel.		VII. 555
1971	6	May	Alloc., Paul VI	63-459	VII. 579
1971	8	May	Letter, Paul VI	63-535	VII. 831
1971	8	May	Norms, Holland		VII. 740
1971	13	May	Alloc., Paul VI	63-462	VII. 861
1971	13	May	Alloc., Paul VI	63-464	VII. 454
1971	14	May	Ap. letter, Paul VI	63-401	VII. 130
1971	16	May	Homily, Paul VI	63-456	VII. 130
1971	19	May	Alloc., Paul VI	63-543	VII. 580
1971	23	May	Instr., Com. Com. Soc.	63-593	VII. 889
1971	24	May	Bylaws, N.C.C.B.		VII. 293
1971	24	May	Bylaws, U.S.C.C.		VII. 303
1971	28	May	Norms, Australia		VII. 740
1971	14	June	Notii., S. C. Cult. Div.	63-712	VII. 54

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1971	21	June-	Ap. letter, Paul VI	64-14	VII. 832
1971	25	June	Message, Paul VI	63-570	VII. 861
1971	27	June	*Motu proprio,* Paul VI	63-665	VII. 184
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